

Town and County of Nantucket Select Board • County Commissioners

Brooke Mohr, Chair
Thomas M. Dixon
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD NOVEMBER 19, 2024 - 5:00 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/y0BCOjXYdYg>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_yuv6HMoKSmSKxTWPDNJhgA

- I. CALL TO ORDER***
- II. PUBLIC FORUM FOR INPUT ON MITIGATION MEASURES FOR SOUTHCOAST WIND OFF-SHORE WIND PROJECT***
 1. Introduction
 - a) Purpose of Forum
 - b) Town's Approach to Offshore Wind
 2. Introduction of SouthCoast Wind Project
 - a) Project Details
 - b) Permitting Process Overview
 - c) Mitigation Proposal from Bureau of Ocean Energy Management's (BOEM) and SouthCoast Wind
 3. Comment from SouthCoast Wind and/or BOEM
 4. Public Comment/Input on Mitigation Proposal and Suggested Alternatives
- III. ADJOURNMENT***

DRAFT FINAL (DRAFT 4)
MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOAST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOAST WIND PROJECT
(LEASE NUMBER OCS-A 0521)

WHEREAS, the Bureau of Ocean Energy Management (BOEM) is considering whether to authorize construction and operation of the SouthCoast Wind Project (Project) pursuant to subsection 8(p)(1)(C) of the Outer Continental Shelf (OCS) Lands Act (43 United States Code [U.S.C.] 1337(p)(1)(C)) and in accordance with Renewable Energy Regulations at 30 Code of Federal Regulations (CFR) Part 585; and

WHEREAS, BOEM determined that the Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. 306108), and its implementing regulations (36 CFR Part 800); and

WHEREAS, BOEM is considering whether to approve with conditions the Project Construction and Operations Plan (COP) submitted by SouthCoast Wind Energy LLC (hereinafter, *Lessee*); and

WHEREAS, BOEM determined the construction, installation, operations and maintenance (O&M), and conceptual decommissioning of two parts of the Project planned for Lease Area OCS-A 0521 (Project 1, referring to the development in the northern portion of the Lease Area and associated interconnection, and Project 2, referring to the development in the southern portion of the Lease Area and associated interconnection) and to include up to 147 offshore wind turbine generators (WTGs) and their foundations; up to five offshore substation platforms (OSPs) and their foundations; interarray cables; one preferred export cable corridor (ECC) making landfall and interconnecting to the ISO New England Inc. (ISO-NE) grid at Brayton Point, in Somerset, Massachusetts; one variant ECC which, if utilized, would make landfall and interconnect to the ISO-NE grid in Falmouth, Massachusetts via onshore cable route corridors; up to two new high voltage direct current (HVDC) converter stations at Brayton Point and, if the Falmouth ECC is utilized, one new onshore substation at one of two onshore substation options (i.e., the Lawrence Lynch [the Lessee's preferred location] or Cape Cod Aggregate site, both in Falmouth, Massachusetts) have the potential to adversely affect historic properties as defined under 36 CFR 800.16(l); and

WHEREAS, the preferred ECC making landfall and interconnecting to the ISO-NE grid at Brayton Point, in Somerset, Massachusetts may be used for both Project 1 and Project 2, except in the event that technical, logistical, grid interconnection, or other unforeseen challenges arise during the Project design and engineering phase that prevent Project 2 from utilizing the preferred ECC, in which case Project 2 would utilize the variant ECC and make landfall and interconnect to the ISO-NE grid in Falmouth, Massachusetts; and

WHEREAS, BOEM prepared an Environmental Impact Statement (EIS) for the Project pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.) (NEPA) and elected to use the NEPA substitution process with its Section 106 consultation pursuant to 36 CFR 800.8(c); and

WHEREAS, in accordance with 36 CFR 800.3, on September 29, 2021, BOEM invited the Massachusetts State Historic Preservation Officer (SHPO), Rhode Island SHPO, and Advisory Council on Historic Preservation (ACHP) to consult on the Project and notified the SHPOs and ACHP of its decision to use NEPA substitution and follow the standards for developing environmental documents to comply with the Section 106 consultation for this Project pursuant to 36 CFR 800.8(c), and the SHPOs accepted through participation in consultation after that date, and ACHP accepted and responded with acknowledgement on October 6, 2021; and

WHEREAS, BOEM posted its decision to use NEPA substitution pursuant to 36 CFR 800.8(c) in the Federal Register with its Notice of Intent to prepare an EIS for the Project on November 1, 2021, and has followed the standards for developing environmental documents to comply with the Section 106 consultation for this Project; and

WHEREAS, throughout this document the terms “Tribe” or “Tribal Nation” have the same meaning as “Indian Tribe” as defined in 36 CFR 800.16(m); and

WHEREAS, BOEM recognizes its government-to-government obligation to consult with Tribal Nations that may attach religious and cultural significance to historic properties that may be affected by the proposed undertaking and will comply with the American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Orders 13007, 13175, and 14112, Departmental Manual 512, Chapters 4 and 5 (November 2022), and the Memorandum of Understanding to Protect Sacred Sites (November 2021); and

WHEREAS, BOEM acknowledges the United Nations draft resolution, Our Ocean, Our Future: Call for Action (Seventy-first session, A/71/L.74, June 2017) and UNESCO, SDG 11 Synthesis Report, Target 11.4, Strengthen efforts to protect and safeguard the world’s cultural and natural heritage, July 5, 2023; and

WHEREAS, BOEM invited the following Federally recognized Tribal Nations to consult on this Project: Delaware Tribe of Indians, Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, Mohegan Tribe of Connecticut, The Delaware Nation, The Narragansett Indian Tribe, The Shinnecock Indian Nation, and Wampanoag Tribe of Gay Head (Aquinnah); and

WHEREAS, the Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head (Aquinnah) accepted BOEM’s invitation to consult, have certain responsibilities assigned to them in this Memorandum of Agreement (MOA) related to implementation of mitigation measures for their respective Tribal Nations, and BOEM invited these Tribal Nations to sign this MOA as invited signatories; and

WHEREAS, The Narragansett Indian Tribe accepted BOEM’s invitation to consult on November 1, 2021; and The Shinnecock Indian Nation accepted BOEM’s invitation to consult on February 4, 2022, and BOEM invited these Tribal Nations to sign this MOA as concurring parties; and

WHEREAS, The Delaware Nation declined BOEM’s invitation to consult; and

WHEREAS, the Delaware Tribe of Indians and Mohegan Tribe of Connecticut did not respond to BOEM’s invitation to consult; however, BOEM has included these Tribal Nations in all consulting party communications, and BOEM invited these Tribal Nations to sign this MOA as concurring parties; and

WHEREAS, the Mashpee Wampanoag Tribe continues to participate in Section 106 consultations with BOEM and in compliance with the NHPA and as a cooperating Tribal government under Council on Environmental Quality (CEQ) guidance to preserve and protect its sacred sites and natural and cultural resources, and through consultation, the Mashpee Wampanoag Tribe categorically objects to the adverse effects as a result of the undertaking; and

WHEREAS, the Mashpee Wampanoag Tribe attaches traditional and cultural association to ancient submerged landform features (ASLFs) and asserts sacred sites should be avoided comparable to the same extent historic shipwrecks are being avoided; and

WHEREAS, the Mashpee Wampanoag Tribe asserts that it has inherent aboriginal rights, title, and jurisdictional interest over the submerged lands once inhabited by their ancestors and objects to ACHP's advice provided in an email on April 1, 2024, regarding SHPO signatory authority for an offshore wind development MOA; and

Commented [BOEM1]: Revised based on ACHP's input.

WHEREAS, the Mashpee Wampanoag Tribe is a Federally recognized Tribe and asserts that it has inherent aboriginal rights, title, and jurisdictional interest over submerged lands within the Nantucket shelf region extending to the Exclusive Economic Zone (EEZ) and does not recognize SHPO authority over Tribal authority of maritime environments and submerged landscapes within the Nantucket shelf region; and

WHEREAS, the Mashpee Wampanoag Tribe extends its spiritual and cultural connections to these submerged lands and maritime environments within the Nantucket shelf region as a traditional cultural place (TCP) and sacred site based on traditional cultural knowledge and Indigenous expertise and, therefore, expects a consensus-seeking model and co-management approach to these spiritually connected environments based on cultural provenance; and

WHEREAS, BOEM acknowledges that Tribal Nations possess special expertise in assessing the National Register of Historic Places (NRHP) eligibility of properties of religious and cultural significance to the Tribal Nations pursuant to 36 CFR 800.4(c)(1), and BOEM has consulted with Tribal Nations to identify historic properties of religious and cultural significance to Tribal Nations that may be eligible for listing in the NRHP, including sacred sites, cultural landscapes, and TCPs, and that may be affected by the undertaking; and

WHEREAS, BOEM invited the non-Federally recognized historic Massachusetts Chappaquiddick Tribe of the Wampanoag Nation to participate as a consulting party; and

WHEREAS, in accordance with 36 CFR 800.3, BOEM invited other Federal agencies, state and local governments, and consulting parties with a demonstrated interest in the undertaking to participate in this consultation; the list of those invited and accepting participation can be found in the *Lists of Invited Governments and Organizations and Participating Consulting Parties* (Attachment 1); and

WHEREAS, BOEM notified and invited the Secretary of the Interior (hereinafter, *SOI*, represented by the National Park Service [NPS]) to consult regarding this Project pursuant to the Section 106 regulations, including consideration of the potential effects on National Historic Landmarks (NHLs) as required under NHPA Section 110(f) (54 U.S.C. 306107) and 36 CFR 800.10, NPS accepted BOEM's invitation to consult, and BOEM invited NPS to sign this MOA as a concurring party; and

WHEREAS, BOEM invited the United States Army Corps of Engineers (USACE) to consult because USACE has the authority to issue any required permits or permissions for this Project under Section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act (RHA; 33 U.S.C. 403), and potentially under Section 14 of the RHA (33 U.S.C. 408) and Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA); and

WHEREAS, construction of the Project requires a Department of the Army (DA) permit from USACE for activities that would result in the discharge of dredged or fill material in waters of the United States, including wetlands, pursuant to Section 404 of the CWA, and work and structures in navigable waters of the United States and structures from the mean high water mark to the seaward limit of the OCS pursuant to Section 10 of the RHA; and

WHEREAS, USACE designated BOEM as the Lead Federal Agency, pursuant to 36 CFR 800.2(a)(2), to act on its behalf for purposes of compliance with Section 106 for this Project (in a letter dated June 22, 2023), and BOEM invited USACE to sign this MOA as a concurring party; and

WHEREAS, the Bureau of Safety and Environmental Enforcement (BSEE) designated BOEM as the Lead Federal Agency pursuant to 36 CFR 800.2(a)(2) to act on its behalf for purposes of compliance with Section 106 for this Project on November 19, 2024, and BOEM invited BSEE to sign this MOA as a concurring party; and

WHEREAS, BOEM has consulted with the Lessee in its capacity as the applicant seeking Federal approval of the COP, and, because the Lessee has responsibilities under the MOA, BOEM has invited the Lessee to be an invited signatory to this MOA; and

WHEREAS, the Project is within a commercial lease area (OCS-A 0521) that was subject to previous NHPA Section 106 review by BOEM regarding the issuance of the commercial lease and approval of a site assessment plan; both Section 106 reviews, one for the lease issuance and the other for approval of the site assessment plan, were conducted pursuant to a Programmatic Agreement (PA) and concluded with a Finding of No Historic Properties Affected, consistent with the Finding of No Significant Impact for lease issuance on June 18, 2014, and site assessment plan approval on January 28, 2020, under the PA for the review of OCS renewable energy activities offshore Massachusetts and Rhode Island (*Programmatic Agreement Among the U.S. Department of the Interior, Bureau of Ocean Energy Management; the State Historic Preservation Officers of Massachusetts and Rhode Island; the Mashpee Wampanoag Tribe; the Narragansett Indian Tribe; the Wampanoag Tribe of Gay Head [Aquinnah]; and the Advisory Council on Historic Preservation; Regarding the "Smart from the Start" Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities offshore Massachusetts and Rhode Island*), and this PA expired on May 12, 2022; and

WHEREAS, consistent with 36 CFR 800.16(d) and BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (May 27, 2020), BOEM defined the area of potential effects (APE) for the undertaking as the depth and breadth of the seabed potentially impacted by any bottom-disturbing activities, constituting the marine portion of the APE (marine APE); the depth and breadth of terrestrial areas potentially impacted by any ground-disturbing activities, constituting the terrestrial portion of the APE (terrestrial APE); the viewshed from which offshore or onshore renewable energy structures would be visible, constituting the visual portion of the APE (visual APE); and any temporary or permanent construction or staging areas that may fall into any of the aforementioned offshore or onshore portions of the APE (see Attachment 2, *APE Maps*); and

WHEREAS, BOEM identified the following historic properties in the APE: 32 marine archaeological resources and nine (9) ASLFs in the marine APE; two (2) terrestrial archaeological resources and one (1) aboveground historic resource in the terrestrial APE; two (2) TCPs and 24 aboveground historic resources in the visual APE (i.e., 14 in the visual APE for Offshore Project components and 13 in the visual APE for Onshore Project components); and one (1) TCP in both the marine and visual APEs; and

WHEREAS, BOEM identified one (1) NHL in the visual APE for Offshore Project components (i.e., Nantucket Historic District); and

WHEREAS, BOEM determined that the Project design and implementation of avoidance measures identified in this MOA will avoid adverse effects on certain historic properties: 31 marine archaeological resources (i.e., Potential NOAA 7840 [known shipwreck *Kershaw*]; Potential AWOIS 9821 [known shipwreck *Sagamore*]; Marine Archaeological Resources 20-02, 20-03, 20-04, 20-05, 20-07 [known shipwreck NOAA 9820], 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 21-02, 21-03, 21-04, 21-05, 21-06, BP-03, BP-04, BP-05, BP-09, BP-11, BP-12, BP-13, BP-14, BP-18, BP-19, BP-20, and BP-21 [Swan Ha-20]); and seven (7) ASLFs (i.e., FM-P-21-04A, FM-P-21-04B, FM-P-21-05, FM-P-21-07, BP-

P-21-01A, BP-P-21-01B, and BP-P-21-03) in the marine APE; one (1) TCP in the visual APE; and 22 aboveground historic resources in the visual APE; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined one (1) marine archaeological resource (i.e., 21-01) would be adversely affected by physical disturbance from Offshore Project construction within the avoidance buffer of this resource; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined two (2) of the nine (9) ASLFs identified in the marine APE (i.e., LA-P-20-01 and BP-P-21-02) would be adversely affected by physical disturbance from Offshore Project construction within the defined spatial extent of these resources; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined the following two (2) terrestrial archaeological resources in the terrestrial APE in Rhode Island would be adversely affected by physical disturbance from Onshore Project construction within the avoidance buffers of these resources: RI-2816 and RI-2817; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined the Chappaquiddick Island TCP in the visual APE for Offshore Project components would be adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined the Nantucket Historic District NHL in the visual APE for Offshore Project components would be adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined the Nantucket Sound TCP in the marine and visual APEs for Offshore Project components would be visually adversely affected with implementation of the undertaking and cumulatively adversely affected with implementation of the undertaking and other reasonably foreseeable offshore wind energy developments; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined Oak Grove Cemetery, Falmouth, Massachusetts in the visual APE for Onshore Project components would be adversely affected with implementation of the undertaking, and in the event that technical, logistical, grid interconnection, or other unforeseen challenges that arise during the Project's design and engineering prevent Project 2 from making interconnection at Brayton Point and the Falmouth variant ECC is utilized, making landfall and interconnection in Falmouth, Massachusetts; and

WHEREAS, BOEM has taken action to minimize harm, as required by NHPA Section 110(f) at 36 CFR 800.10, to the one (1) adversely affected NHL in the visual APE (i.e., Nantucket Historic District) as explained in BOEM's *Finding of Adverse Effect for the SouthCoast Wind Energy Construction and Operations Plan* (hereinafter, *Finding of Adverse Effect*), with minimization measures including the use of non-reflective white or light gray paint on Offshore Project components and Aircraft Detection Lighting System (ADLS) to minimize visibility of the Project from the NHL; and

WHEREAS, Massachusetts SHPO and Rhode Island SHPO concurred with or did not object to BOEM's Finding of Adverse Effect; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), BOEM notified the ACHP of its adverse effect determination with its distribution of the Finding of Adverse Effect, including adverse effects on the NHL, pursuant to 36 CFR 800.10(b), and on April 24, 2023, the ACHP chose to participate on the

Commented [BOEM2]: Revised based on ACHP input.

resolution of adverse effects on the historic properties, pursuant to 36 CFR 800.6(a)(1)(iii) and 36 CFR 800.10(b); and

WHEREAS, BOEM has consulted with the consulting parties participating in the development of this MOA regarding the definition of the undertaking, delineation of the APEs, identification and evaluation of historic properties, assessment of potential effects on the historic properties, and measures to avoid, minimize, and mitigate adverse effects on historic properties; and

WHEREAS, BOEM conducted five Section 106 consultation meetings on July 7, 2022; March 16, 2023; January 24, 2024; July 15, 2024; and October 8, 2024, and invited consulting parties (see Attachment 1) to these meetings; and

WHEREAS, BOEM sought and considered the views of the public regarding Section 106 for this Project through the NEPA process by holding virtual public scoping meetings when initiating the NEPA and NHPA Section 106 review on November 10, 15, and 18, 2021, and virtual public hearings related to the Draft EIS on March 20, 22, and 27, 2023; and

WHEREAS, BOEM made the first, redacted Draft MOA available to the public for review and comment from February 17, 2023, to April 3, 2023, and made an updated version of the redacted Draft MOA available to the public on October 4, 2024, using BOEM's Project website, and BOEM received comments from the public; and

WHEREAS, BOEM, in consultation with Tribal Nations, Massachusetts and Rhode Island SHPOs, ACHP, and consulting parties, has developed this MOA to document the resolution of the undertaking's adverse effects, as required by NHPA Section 106 at 36 CFR 800.6, on three (3) historic properties in the marine APE (i.e., one [1] marine archaeological resource and two [2] ASLFs), two (2) historic properties in the terrestrial APE, one historic property in the marine and visual APEs (i.e., Nantucket Sound TCP), and three (3) historic properties in the visual APE (i.e., Chappaquiddick Island TCP, Nantucket Historic District NHL, and Oak Grove Cemetery); and

WHEREAS, pursuant to 36 CFR 800.6, BOEM invited all consulting parties not designated as required or invited signatories, as stated in the previous clauses of this MOA, to sign as concurring parties; however, the refusal of any consulting party to sign this MOA or otherwise concur does not invalidate or affect the effective date of this MOA, and consulting parties who choose not to sign this MOA will continue to receive information if requested and have an opportunity to participate in consultation as specified in this MOA; and

WHEREAS, the required and invited signatories (hereinafter, *signatories*) agree, consistent with 36 CFR 800.6(b)(2), that adverse effects will be resolved in the manner set forth in this MOA; and

NOW, THEREFORE, BOEM, Mashantucket (Western) Pequot Tribal Nation, Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah), Massachusetts SHPO, Rhode Island SHPO, and ACHP agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties pursuant to 36 CFR 800.6(c).

STIPULATIONS

BOEM, with the assistance of the Lessee, will ensure that the following measures are carried out as conditions of its approval of the undertaking:

I. MEASURES TO AVOID ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

- A. BOEM will include the following measures for avoiding adverse effects on historic properties located in the Project APE as conditions of approval of the Project COP:
 1. Marine APE

- i. The Lessee will avoid 31 marine archaeological resources by complying with protective buffers recommended by the Qualified Marine Archaeologist (QMA) for Potential NOAA 7840 (known shipwreck *Kershaw*), Potential AWOIS 9821 (Known shipwreck *Sagamore*); and Marine Archaeological Resources 20-2; 20-03; 20-04; 20-05; 20-07; 20-08; 20-09; 20-10; 20-11; 20-12; 20-13; 20-14; 21-02; 21-03; 21-04; 21-05; 21-06; BP-03; BP-04; BP-05; BP-09; BP-11; BP-12; BP-13; BP-14; BP-18; BP-19; BP-20; and BP-21.
 - a. For resources with visual footprints measuring greater than or equal to 5 meters (16.4 feet), the Lessee will maintain a distance of no less than 50 meters (164 feet) from each resource's extant features. These resources include: Potential NOAA 7840 (known shipwreck *Kershaw*); Potential AWOIS 9821 (Known shipwreck *Sagamore*); 20-07; 20-09; 20-10; 20-12; 21-06; BP-03; BP-04; BP-05; BP-09; BP-12; BP-14; BP-18; BP-19; BP-20; and BP-21 (Swn Ha-20).
 - b. For resources with visual footprints measuring less than 5 meters (16.4 feet), the Lessee will maintain a distance of no less than 50 meters (164 feet) from each resource's centroid, resulting in a total avoidance area of 7,853.98 square meters (84,539.54 square feet) per resource. These resources include: 20-2; 20-03; 20-04; 20-05; 20-08; 20-11; 20-13; 20-14; 21-02; 21-03; 21-04; 21-05; BP-11; and BP-13.
 - ii. The Lessee will avoid seven (7) ASLFs (i.e., FM-P-21-04A; FM-P-21-04B; FM-P-21-05, FM-P-21-07, BP-P-21-01A, BP-P-21-01B and BP-P-21-03) by complying with protective buffers recommended by the QMA based on the defined spatial extent of each ASLF, which has been determined based on the maximum observed presence within the seismic data.
 - iii. To demonstrate avoidance of all marine archaeological resources and ASLFs identified in Stipulation I.A.1, the Lessee will provide as-placed and as-laid maps with both the horizontal and vertical extent of all seafloor impacts. These seafloor impacts may include anchoring activities (location of all anchors, anchor chains, cables, and wire ropes on the seafloor, including sweep but excluding the vertical extent of anchor penetration of the seafloor), cable installation (including trenching depths and seafloor footprint of the installation vessel), and WTG installation (anchoring and spudding/jack-up vessel placement). The as-built or as-laid position plats must be submitted at a scale of 1-in. = 1,000-ft., with Differential Global Positioning System (DGPS) accuracy demonstrating that these seafloor disturbing activities complied with the avoidance criteria applied to the archaeological sites or historic properties established in this MOA. The Lessee must submit these documents and maps to BOEM for consulting parties to review no later than 90 days after completion of the seafloor disturbing/construction activities.
 - iv. During construction of the Project, the Lessee will prepare and submit annual reports to BOEM that describe implementation of avoidance buffers, pursuant to Stipulation XIV (*Reporting*).
2. Terrestrial APE
- i. The Lessee will conduct archaeological monitoring during onshore construction in areas identified as having high or moderate archaeological sensitivity.
 - a. Monitoring in Massachusetts. BOEM will include the procedures as described in the *Falmouth Terrestrial Archaeological Monitoring Plan* (Attachment 3) as conditions of approval of the Project COP.

- b. Monitoring in Rhode Island. BOEM will include the procedures as described in the *Aquidneck Island Terrestrial Archaeological Monitoring Plan* (Attachment 4) as conditions of approval of the Project COP.
- c. The Lessee will coordinate with Tribal Nations to provide an opportunity to participate as monitors during ground disturbing activities in the areas identified for monitoring in Massachusetts and Rhode Island. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to start of activities for monitoring. The Lessee must provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.
- d. In the event of a post-review discovery during archaeological monitoring, the process identified under the Post-Review Discoveries Stipulation (Stipulation XII) will apply.

Commented [BOEM3]: Added in response to ACHP's comments on Tribal Nations' participation in monitoring activities.

3. Visual APE

- i. To maintain avoidance of adverse effects on historic properties in the visual APE where BOEM determined no adverse effects or where no effects would occur, BOEM will require the Lessee to ensure Project structures are within the design envelope, sizes, scale, locations, lighting prescriptions, and distances that were used by BOEM to inform the definition of the APE for the Project and for determining effects in the Finding of Adverse Effect. If the Project is modified, BOEM will follow processes defined in Stipulation VII (*Project Modifications*).

II. MEASURES TO MINIMIZE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

A. Visual APE

- 1. BOEM has undertaken planning and actions to minimize adverse effects on aboveground historic properties in the visual APE, including minimizing harm to the adversely affected NHL (i.e., Nantucket Historic District). The measures stipulated here will minimize visual adverse effects on all adversely affected aboveground historic properties in the visual APE. Additionally, these measures will minimize the undertaking's additive adverse effects to the cumulative visual adverse effects on these adversely affected historic properties from all reasonably foreseeable offshore wind energy developments. BOEM will include the following measures for minimizing adverse effects on historic properties in the visual APE as conditions of approval of the Project COP:
 - i. In the visual APE for Offshore Project components:
 - a. The Lessee will adhere to a 1 nm x 1 nm (1.9 km x 1.9 km) grid layout agreed upon with the United States Coast Guard (USCG) to decrease visual clutter.
 - b. The Lessee will use uniform WTG design, height, and rotor diameter for Project 1 and uniform WTG design, height, and rotor diameter for Project 2 to reduce visual contrast and decrease visual clutter.
 - c. The Lessee will apply a paint color to the WTGs no lighter than Pure White (RAL 9010) and no darker than Light Grey (RAL 7035) in accordance with Federal Aviation Administration (FAA) Advisory Circular 70/7460-1M (2020) and BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (April 28, 2021).

d. The Lessee will implement an Aircraft Detection Lighting System (ADLS) to reduce nighttime visual effects on aboveground historic properties in the visual APE for Offshore Project components, pursuant to approval by the FAA and BOEM and commercial and technical feasibility at the time of Facility Design Report/Fabrication and Installation Report approval. The WTGs and OSPs must be lit and marked in accordance with FAA and USCG lighting standards and will be consistent with BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (April 28, 2021) to reduce light intrusion.

ii. In the visual APE for Onshore Project components:

- a. The Lessee will design the onshore substation and converter station to minimize visual effects on the extent feasible, including height, location, color, improving site aesthetics by adhering to landscape codes and edge treatments, and improving building architecture to fit local context.
- b. The Lessee will work with the Towns of Falmouth, Somerset, and Portsmouth to ensure the lighting scheme complies with town requirements. The Lessee will ensure the design of outdoor light fixtures at the onshore substation complies with night sky lighting standards to the extent practicable. The Lessee will keep lighting at the onshore substation to a minimum; only a few lights will be illuminated for security reasons on dusk-to-dawn sensors and other lights will use motion-sensing switches. The majority of lights will be switched on for emergency situations only.

III. MEASURES TO MITIGATE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

- A. BOEM will include the mitigation measures and below-referenced Historic Property Treatment Plans (HPTs) listed in Stipulation III as conditions of approval of the Project COP.
- B. BOEM will require the Lessee to fund these measures per *Mitigation Funding Amounts* (Attachment 5), which contains good-faith estimates based on the experience of qualified consultants with similar activities and comparable historic properties.

C. Marine APE

1. The Lessee cannot avoid adverse effects on one (1) marine archaeological resource (i.e., 21-01) and two (2) ASLFs (i.e., LA-P-20-01 and BP-P-21-02). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the *Historic Properties Treatment Plan for Ancient Submerged Landforms and Submerged Cultural Resources* (Attachment 8) and Stipulation IV (Marine Archaeological Resource 21-01).

i. ASLFs (i.e., LA-P-20-01 and BP-P-21-02):

- a. **Preconstruction Geoarchaeology.** The Lessee will implement the following measures: Collaborative review of existing geophysical and geotechnical data with Tribal Nations; selection of coring locations in consultation with Tribal Nations; collection of vibracores within the affected ASLF, with a sampling focus on areas that will be disturbed by Project construction activities; written verification to BOEM that the samples collected are sufficient for the planned analyses and consistent with the agreed scope of work; collaborative laboratory analyses at a laboratory located in the Atlantic region, decided through consultation with Tribal Nations; screening of recovered sediments for debitage or micro-debitage associated with indigenous land uses; laboratory analyses, including micro- and macro-faunal analyses, micro- and macro-botanical analyses, radiocarbon dating of organic subsamples, and chemical

analyses for potential indirect evidence of indigenous occupations; temporary curation of archival core sections; draft reports for review by BOEM and consulting Tribal Nations; final reporting; and public or professional presentations summarizing the results of the investigations, developed with the consent of the consulting Tribal Nations.

- 1) The collection of vibracores will be completed prior to commencing seabed disturbing activities within the ASLF.
- 2) The Qualified Marine Archaeologist (QMA) leading the research will meet the professional qualifications listed under Stipulation X (*Expertise and Qualifications*).
- 3) If any unanticipated discovery is found during the implementation of this mitigation measure, then BOEM, with the assistance of the Lessee, will follow the Stipulation XII (*Post-Review Discoveries*).
- 4) The Lessee will provide Tribal Nations with notification of any opportunity to participate in core opening and processing no less than 30 days prior to start of activities for monitoring. The Lessee will invite consulting Tribal Nations to participate during core opening and processing and must provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.
- 5) The Lessee will notify signatories and Tribal Nations of completion of this measure through annual reporting, per Stipulation XIV (*Reporting*).

Commented [BOEM4]: Added in response to ACHP's comments on Tribal Nations' participation in monitoring activities.

b. Post-Construction Seafloor Assessment.

- 1) Assessment. The Lessee will assess seafloor impacts on the two ASLFs that are adversely affected and analyze the ASLFs for the presence of archaeological materials, including but not limited to chipped stone tools, flakes, modified wooden implements, and bone. The post-construction seafloor assessment may consist of a QMA conducting or overseeing a Remotely Operated Vehicle (ROV) of the seafloor in the areas where previously identified ASLFs exist and where construction activities will permanently disturb the ASLFs and displace material culture.
- 2) Three-Dimensional (3D) Model. The Lessee will develop a 3D model to define the spatial relationship of Project components and installation methodology (e.g., cable installation via trenching or jetting) relative to the ASLFs. The 3D model will identify portions of ASLFs within the vertical APE that will be impacted and that possess a high potential for preserved evidence of human occupation.
- 3) Documentation. The QMA will document the impacts immediately following the installation of any inter-array cables, WTGs, service platforms, and export cables that impact the previously identified ASLFs. Documentation of the impacted ASLFs must include the use of standard archaeological methodologies.
- 4) Methods. This inspection will cover not only the immediate physical impacts on the seafloor but also any berms created during trenching activities, anchoring activities, and scour or berms made during pile driving and installation of WTGs. These methodologies may include, but are not limited

to, establishing a permanent datum, mapping, photo, video, 3D photogrammetry, and collecting a limited number of artifacts. For position accuracy, the ROV should be tracked using an Ultra- Short Base Line (USBL) positioning system.

- 5) Reporting. In the final report for each of these investigations, the QMA will note the seafloor conditions (visibility), environmental conditions (e.g., sandy, mud, shell hash bottom), sea state, and how much time has passed since the construction activities have concluded in the area of the ASLF. The Lessee will produce a series of as-laid or as-placed plats that will show the location of the infrastructure in relation to the ASLF and should include both horizontal and vertical penetration into the ASLF. The maps will also include the location of any sites and artifacts identified as a result of the visual inspection. If sites are identified on state-owned submerged bottomlands, a copy of the notification to the state, a copy of the site file, and the site trinomial must be provided as part of the final report. The QMA will include all logs and other data associated with the ROV visual inspection of the seafloor.
- 6) Identification of potential cultural material during the ROV inspection would not constitute a post-review discovery under Stipulation XII (*Post-Review Discoveries*) and would not trigger the reporting and consultation requirements established in the Marine Archaeology Monitoring and Post-Review Discovery Plan because the ASLFs subject to this mitigation measure are previously identified historic properties that have already been determined to be adversely affected by the undertaking. In the event that human remains or potential human remains are identified during the ROV inspections, the Lessee will adhere to the Marine Archaeology Monitoring and Post-Review Discovery Plan, inclusive of the statutory, regulatory, and policy requirements incorporated, therein.
- 7) The Lessee will provide Tribal Nations and BOEM with draft and final technical reports, including 3D models and resulting seafloor impact assessments.
- 8) The Lessee will notify signatories and Tribal Nations of completion of this measure through annual reporting, per Stipulation XIV(*Reporting*).
- 9) Timing. The Lessee will complete the post-construction seafloor inspection no later than 60 calendar days after final cable burial. If unanticipated issues arise during offshore construction that prevent the post-construction seafloor inspection from being completed within 60 calendar days after final cable burial, the Lessee will notify BOEM and propose an alternate completion timeframe for BOEM approval.
- 10) Tribal Monitors. Upon execution of the MOA, the Lessee will commence coordination with consulting Tribal Nations to obtain the necessary training to participate as monitors either via live feed or on the vessel (depending upon vessel space, monitors' offshore safety training and certification, monitors' availability, and health and safety concerns) during the post-construction seafloor inspection of the previously identified ASLFs in the APE (as described above). The Lessee will commence coordination with Tribal

Commented [BOEM5]: Edits made in response ACHP's comments on the participation of Tribal Nations in monitoring activities.

Nations with sufficient time to allow Tribal Nations' members to obtain safety training and other certifications as necessary. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to start of activities for monitoring. The Lessee will provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.

- c. Scholarships and Training for Tribal Resource Stewardship: The Lessee will fund scholarships and fees for professional training or certification programs in fields as designated by Tribal Nations' self-determined related fields of interest.
 2. BOEM will require the Lessee to fulfill any on-site aspects of these mitigation efforts prior to construction at the applicable locations of the affected historic properties, with the exception of the post-construction seafloor assessment, which will occur on the timeline described in Stipulation III.C.1.ii.b. Mitigation measures under Stipulation III.C will be completed within five years of MOA execution, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s) and accepted by BOEM.
- D. Terrestrial APE
1. The Lessee cannot avoid adverse effects on two (2) terrestrial archaeological resources (i.e., RI-2816 and RI-2817). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the *Historic Properties Treatment Plan for Terrestrial Archaeological Sites in Rhode Island* (Attachment 9)
 2. BOEM will require the Lessee to fulfill any on-site aspects of these mitigation efforts prior to construction or other ground disturbing activities proceeding at the applicable locations of the affected historic properties. BOEM may allow Project construction or ground-disturbing construction to proceed outside of the locations of the affected historic properties and does not require that all mitigation be completed prior to the Project proceeding. Mitigation measures will be completed within five (5) years of MOA execution, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s) and accepted by BOEM:
 - i. Phase III Archaeological Data Recovery:
 - a. The Lessee will complete the following mitigation actions detailed in the HPTP: acquire a State Archaeology Permit and approvals from Rhode Island SHPO and Town of Portsmouth (as applicable); conduct background research; conduct oral history interviews with Tribal members; complete data recovery of 20 percent of impacted site areas; implement temporary avoidance measures at portions of the sites that will not be impacted by construction activities; prepare draft and final data recovery report; prepare updated site forms; prepare Historic Property Archaeological Protection Plan; prepare construction monitoring report; curate materials at a long-term curation facility agreed upon by consulting Tribal Nations pursuant to the Stipulation IX (*Curation*); and prepare a summary report detailing the mitigation measures undertaken pursuant to the HPTP.
 - b. The Lessee will develop the data recovery program consistent with the Rhode Island Historical Preservation & Heritage Commission's (RIHPHC) *Performance Standards and Guidelines for Archaeology in Rhode Island* (hereinafter, *RIHPHC Guidelines*).
 - c. The Lessee will develop a Data Recovery Plan (DRP) as part of the data recovery program. The DRP will be submitted to BOEM for technical review and approval. Once BOEM approves the DRP, the Lessee will submit the DRP to RIHPHC as part

of the State Archaeological Permit request and to consulting Tribal Nations for review and comment.

- d. The Lessee will submit the Phase III Archaeological Data Recovery Report (drafts and final); Archaeological Construction Monitoring Report (drafts and final); updated site forms; and Historic Property Archaeological Protection Plan (drafts and final), to BOEM for technical review prior to submittal to the consulting Tribal Nations and RIHPHC for review. The reports will be prepared in accordance with RIHPHC Guidelines.
- e. Following the completion of the Phase III archaeological data recovery and before construction, the Lessee will implement temporary site avoidance measures to protect the portions of the site that will not be impacted by construction. This will include the installation of temporary site protective fencing and identifying the sensitive resource areas to construction work crews as areas where no ground-disturbing activities can take place. Archaeologists and Tribal monitors will be onsite during any construction in proximity to the sites to monitor construction activities and ensure compliance with the HPTP (see Attachment 9).
- f. The Lessee will coordinate with Tribal Nations to provide an opportunity to participate as monitors during ground disturbing activities associated with implementation of this mitigation measure. The Lessee will provide Tribal Nations with notification of any opportunity to participate in monitoring no less than 30 days prior to the start of ground disturbing activities requiring monitoring. The Lessee will provide compensation and travel and per diem costs, consistent with each Tribal Nation's standard costs for monitoring activities.

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E. Visual APE

1. The Lessee cannot avoid adverse effects on four aboveground historic properties (i.e., Chappaquiddick Island TCP; Nantucket Historic District NHL; Nantucket Sound TCP; and Oak Grove Cemetery in Falmouth, Massachusetts). To resolve these adverse effects, BOEM will require the Lessee to implement the mitigation measures below and described in the applicable HPTPs.
2. These mitigation measures must be completed within five (5) years of MOA execution and may be completed simultaneously, as applicable, unless different timing is agreed upon by the consulting Tribal Nations and applicable SHPO(s), after other consulting party views are taken into consideration, and accepted by BOEM.
3. All mitigation is subject to the applicable SHPO(s) review and approval and must comply with the SOI Standards for the Treatment of Historic Properties.
 - i. Chappaquiddick Island TCP. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Chappaquiddick Traditional Cultural Place* (Attachment 10)
 - a. The Lessee will work with the non-Federally recognized historic Massachusetts Chappaquiddick Tribe of the Wampanoag Nation to develop a Tribal study related to a Tribal site placed in the larger context of local, state, and regional environmental and cultural history; oral history from Chappaquiddick Tribe of the Wampanoag Nation Tribal members will be recorded and considered when designing the field and reporting components of the study; a draft of the study plan will be provided to the consulting Chappaquiddick Tribe of the Wampanoag Nation; a final study plan will be developed, incorporating comments from the consulting Chappaquiddick Tribe of

the Wampanoag Nation; and upon acceptance of documentation by BOEM, the plan will be implemented.

- ii. Nantucket Historic District NHL. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Nantucket Historic District* (Attachment 11).
 - a. The Lessee will survey areas of the NHL selected in consultation with the Massachusetts SHPO, consulting Tribal Nations, and other participating consulting parties and informed by the survey priorities identified in the Town of Nantucket's *Historic Properties Survey Plan* (2022); the survey will consist of new survey work and updating existing survey forms; all survey work will be recorded on large-scale maps and may be formatted for compatibility with the Town of Nantucket's GIS database; descriptions will include the overall characteristics of the area and key and representative resources; conduct research to supplement and update existing historical contexts; prepare NRHP eligibility recommendations for individual properties and selected neighborhoods; the survey will include preparation of an archaeological assessment and overview consisting of report and graphics summarizing background research and providing environmental and cultural frameworks for pre-contact and post-contact site potential across the south and southwest neighborhoods with emphasis on the coast, conducting surface examination of Nantucket to examine physical conditions of recorded archaeological sites and historically documented/mapped resources, and developing site sensitivity model for pre-contact and historic archaeological site potential; prepare digital photographs and include GIS-based sensitivity maps in final report.
- iii. Nantucket Sound TCP. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Nantucket Sound Traditional Cultural Place* (Attachment 12).
 - a. The Lessee will work with the RPS Group, an international, scientific technical consulting firm to continue Protected Species Observer (PSO) Certification Training, Offshore Wind Training, and Health Safety and Environment Training for the consulting Tribal Nations; the Lessee and RPS Group will hold at least one local training session annually for five years following SouthCoast's financial close on the project; RPS Group will coordinate the delivery of all training modules and required physical examination to the enrolled Trainees; an RPS Group mentor will be provided to each trainee for the full course of the program; following successful completion of the PSO training program, RPS Group will deploy the PSOs on an offshore program for surveys, construction activities; the Lessee will prepare and distribute to consulting parties annual summary reports until the Project is constructed detailing outreach measures taken to engage tribal members in the PSO program and how many members successfully completed the program.
- iv. Oak Grove Cemetery, Falmouth, Massachusetts. BOEM will require the Lessee to implement the mitigation measures described in the *Historic Properties Treatment Plan for Oak Grove Cemetery* (Attachment 13) in the case that the variant Falmouth ECC is utilized and prior to initiation of construction of any Onshore Project components in Falmouth as part of this undertaking.
 - a. The Lessee will complete the mitigation measures within two years of selection of the Lawrence Lynch site for use as part of the variant Falmouth ECC unless a different timeline is agreed upon by interested consulting parties and accepted by BOEM.

- b. The Lessee will conduct an inventory of existing vegetation on the Lawrence Lynch substation site and within the cemetery where it abuts the substation site and develop a landscape inventory; identify vegetation on the site to be protected during construction and retained following construction; develop a plan for protection of the cemetery during construction; implement protection measures for existing vegetation to be retained during construction; develop a landscape plan with hardscape and softscape improvements to reduce views of the substation from the cemetery; and implement the landscape plan. A draft of the protection plan and the landscape plan will be provided to the Massachusetts SHPO, Oak Grove Cemetery Association of Falmouth, Inc. and other interested consulting parties for a 30-day review and comment period; develop final plans, incorporating comments from the participating consulting parties; and upon acceptance of documentation by Massachusetts SHPO, implement the plans.

IV. MARINE ARCHAEOLOGICAL RESOURCE 21-01

- A. Marine archaeological resource 21-01 is a historic property that BOEM has determined is eligible for the National Register of Historic Places and will be adversely affected by the Project.
- B. The Lessee conducted a remotely-operated vehicle (ROV) survey of marine archaeological resource 21-01 located in Lease Area OCS-A 0521 on September 27, 2024. The ROV survey determined that marine archaeological resource 21-01 is in a high-energy, high-current environment and the historic property is currently buried just beneath the seafloor surface.
- C. The Lessee will develop a monitoring plan for marine archaeological resource 21-01 for the duration of the lease that will encompass construction, post-construction, and periodic inspections of the historic property.
 - 1. BOEM, with the assistance of the Lessee, will use the procedures in Stipulation VI (Review Process for Documents Produced under MOA Stipulations) to consult with the signatories, Tribal Nations, and consulting parties on the monitoring plan.
 - 2. Prior to the start of construction within a 50-meter avoidance buffer around marine archaeological resource 21-01, BOEM, with the assistance of the Lessee, will conclude the consultation on the monitoring plan.
 - 3. BOEM will approve the final monitoring plan after the completion of the consultation procedures in Stipulation VI and after addressing any comments from signatories, Tribal Nations, and consulting parties. BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties when BOEM has approved the final monitoring plan.
 - 4. The MOA will not require an amendment after the final monitoring plan is approved by BOEM. The monitoring plan will be attached to the MOA after it is approved by BOEM.

V. PHASED IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. BOEM will defer and phase the final identification and evaluation of historic properties within the terrestrial APE, pursuant to 36 CFR 800.4(b)(2) and 800.5(a)(4), and consistent with the *Terrestrial Archaeology Phased Identification Plan* (Attachment 14). BOEM determined deferred and phased identification was necessary for those select areas of the terrestrial APE where the Lessee does not yet have site control or access. BOEM, with the assistance of the Lessee, will conduct phased identification and evaluation of historic properties in the terrestrial APE and will then assess effects and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties on identification, assessment of effects, and the resolution of adverse effects before the initiation of onshore construction of the Project at the locations subject

to phased identification as specified in the *Terrestrial Archaeology Phased Identification Plan* (Attachment 14). BOEM will implement the following measures for phased identification in the terrestrial APE:

1. The Lessee will conduct supplemental technical studies in accordance with the applicable state guidelines and recommendations presented in BOEM's most recent *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* to identify historic properties within portions of the terrestrial APE. The Lessee will coordinate with Massachusetts and Rhode Island SHPOs prior to the initiation of any such identification efforts in their respective states. These surveys, as applicable, will incorporate the principles within the ACHP's *Policy Statement on Indigenous Knowledge and Historic Preservation* to aid identification efforts.
 - i. BOEM will require the Lessee to document its identification efforts in a supplemental Terrestrial Archaeological Resources Assessment report that addresses the identification of historic properties and includes an assessment of effects on historic properties applying the criteria of adverse effects pursuant to 36 CFR 800.5(a).
 - ii. BOEM will require the Lessee to document its identification efforts for terrestrial archaeological resources consistent with Massachusetts or Rhode Island SHPO guidelines as applicable.
2. BOEM will consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties on the results of historic property identification surveys for any portions of the terrestrial APE that were not addressed in consultations prior to the execution of this MOA.
3. If Project effects on identified terrestrial archaeological resources cannot be avoided, BOEM will require the Lessee to conduct additional investigations to evaluate the NRHP eligibility of the potentially affected resources, in accordance with 36 CFR 800.4.
4. If BOEM identifies no additional historic properties or determines that no historic properties are adversely affected as a result of this deferred and phased identification, BOEM, with the assistance of the Lessee, will notify and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties following the consultation process set forth in this stipulation.
 - i. BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties about the surveys and BOEM's determination by providing the supplemental Terrestrial Archaeological Resources Assessment, including maps and a summary of the surveys and/or research conducted to identify historic properties and assess effects.
 - ii. BOEM, with the assistance of the Lessee, will provide Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties, with 30 calendar days to review and comment on the supplemental Terrestrial Archaeological Resources Assessment and BOEM's determination.
 - iii. After the 30-calendar day review period has concluded and if no comments require additional consultation, BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties that the applicable SHPOs have concurred with BOEM's determination, and if BOEM received any comments, provide a summary of the comments and BOEM's responses. If the Massachusetts or Rhode Island SHPO provides comments on BOEM's determination, then BOEM will resolve any such comments through additional consultation.

- iv. BOEM, with the assistance of the Lessee, will conduct a consultation meeting during the 30-calendar day review period if a consultation meeting is requested by Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, or consulting parties.
 - v. This MOA will not need to be amended if no additional historic properties are identified or determined to be adversely affected.
5. If BOEM determines additional historic properties will be subject to adverse effects based on the information from these surveys, BOEM, with the assistance of the Lessee, will notify and consult with Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties regarding BOEM's finding and the proposed measures to resolve the adverse effect(s), including the development of a new HPTP(s) following the consultation process set forth in this stipulation. Funding from the Lessee to the extent necessary to implement mitigation measures to resolve the adverse effect(s) to historic properties identified through phased identification would be in addition to the mitigation funding amount identified in *Mitigation Funding Amounts* (Attachment 5).
- i. BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties about the surveys and BOEM's determination by providing the supplemental Terrestrial Archaeological Resources Assessment, including maps and a summary of the surveys and/or research conducted to identify historic properties and assess effects, BOEM's determination, and the proposed resolution of adverse effect(s).
 - ii. Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties will have 30 calendar days to review and comment on the documents including the adverse effect determination and the proposed resolution of adverse effect(s), including a draft HPTP(s).
 - iii. BOEM, with the assistance of the Lessee, will conduct a consultation meeting during this 30-calendar day review period, and additional consultation meetings, if necessary.
 - iv. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
 - v. BOEM, with the assistance of the Lessee, will send the revised draft final documents to Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties for review and comment during a 30-calendar day review and comment period. With this same submittal of draft final documents, BOEM, with the assistance of the Lessee, will provide a summary of all the comments received on the documents and BOEM's responses.
 - vi. BOEM, with the assistance of the Lessee, will respond to the comments on the draft final documents and make necessary edits to the documents.
 - vii. Once BOEM has received agreement from the Massachusetts and Rhode Island SHPOs on the finding of new adverse effect(s), and BOEM has approved the final measures to resolve adverse effects, BOEM, with the assistance of the Lessee, will notify Tribal Nations, the Massachusetts and Rhode Island SHPOs, the ACHP, and consulting parties that the phased identification and final measures to resolve adverse effects have been approved. With this notification, BOEM, with the assistance of the Lessee, will provide the final document(s), including the final measures to resolve adverse effects and a summary of comments and BOEM's responses to comments, if BOEM received any comments on the draft final documents.

viii. The MOA will not require an amendment after the final measures to resolve adverse effects, including an HPTP(s), are approved by BOEM. If a new HPTP(s) is developed through consultation, it will be attached to the MOA after it is approved by BOEM.

6. If a SHPO disagrees with BOEM's determination regarding whether an affected property is eligible for inclusion in the NRHP, or if the ACHP or the SOI so request, the agency official will obtain a determination of eligibility from the SOI pursuant to 36 CFR Part 63 (36 CFR 800.4(c)(2)).
7. If a Tribal Nation that attaches religious and cultural significance to a property off Tribal lands does not agree with BOEM's determination whether the property is eligible for inclusion in the NRHP, the Tribal Nation may ask the ACHP to request the agency official to obtain a determination of eligibility pursuant to 36 CFR Part 63 (36 CFR 800.4(c)(2)).
8. If any of the consulting parties object to the findings or resolutions made pursuant to these measures, BOEM will resolve any such objections pursuant to the dispute resolution process set forth in Stipulation XVI (*Dispute Resolution*).

VI. REVIEW PROCESS FOR DOCUMENTS PRODUCED UNDER MOA STIPULATIONS

A. The following process will be used for any document, report, or plan produced in accordance with Stipulations of this MOA or attachments to the MOA for which a specific review process has not been defined. Tribal Nations will be provided the opportunity to review any documents produced under MOA stipulations related to sites of religious and cultural significance to the Tribal Nations pursuant to Stipulation X.F (*BOEM Acknowledgement of the Special Expertise of Tribal Nations*).

1. Draft Document

- i. The Lessee will provide the document to BOEM for technical review and approval.
 - a. BOEM will have 30 calendar days to complete its technical review.
 - b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 30 calendar days to address the comments.
- ii. After BOEM has reviewed and approved the document, BOEM, with the assistance of the Lessee, will provide the draft document to the signatories, Tribal Nations, and consulting parties, except the ACHP, for review and comment.
 - a. Consulting parties will have 30 calendar days, or another time frame agreed upon by the signatories, Tribal Nations, and consulting parties, to review and comment.
 - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
 - c. BOEM will consolidate comments received from consulting parties and provide them to the Lessee within 15 calendar days after the end of the 30-calendar day review and comment period.
 - d. BOEM, with the assistance of the Lessee, will respond to comments and make necessary edits to the documents.
- iii. If BOEM requires substantial edits to the draft document, the Lessee will make those revisions and resubmit the document as a draft for revision under Stipulation VI.A.1.i.

2. Draft Final Document

- i. The Lessee will provide BOEM with the draft final document and responses to consulting party comments for review and approval.

Commented [BOEM7]: Revised to specify "Tribal Nations" in all locations where "signatories" are invoked per ACHP feedback.

- a. BOEM will have 15 calendar days to complete its review.
- b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 15 calendar days to address the comments.
- ii. BOEM, with the assistance of the Lessee, will provide the draft final document and response to comments to signatories, Tribal Nations, and consulting parties, except the ACHP, for review, comment, and/or approval.
 - a. Consulting parties will have 30 calendar days, or another timeframe agreed upon by the signatories, Tribal Nations, and consulting parties, to review and comment.
 - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
 - c. BOEM will consolidate comments received from consulting parties and provide them to the Lessee within 15 calendar days after the end of the 30-calendar day review and comment period.
 - d. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
- 3. Final Document
 - i. The Lessee will provide BOEM with the final document and response to consulting party comments for approval.
 - a. BOEM will have 15 calendar days to complete its review.
 - b. If BOEM does not provide approval, it will submit its comments to the Lessee, who will have 15 calendar days to address the comments.
 - c. BOEM, with the assistance of the Lessee, will provide the final document and responses to previous comments to consulting parties, except the ACHP, within 30 calendar days of approving the final document.

VII. PROJECT MODIFICATIONS

- A. If the Lessee proposes any modifications to the Project that expand the Project beyond the Project Design Envelope (PDE) included in the COP and/or occur outside of the defined APEs, or if the proposed modifications change BOEM's final NHPA Section 106 determinations and findings for this Project, the Lessee will notify and provide BOEM with information concerning the proposed modifications. The Lessee will not proceed with the proposed modifications until the following process under this stipulation is concluded. BOEM will determine whether these modifications require alteration of the conclusions reached in the Finding of Adverse Effect and, thus, require additional consultation with the signatories, Tribal Nations, and consulting parties. If BOEM determines additional consultation is required, the Lessee will provide the signatories, Tribal Nations, and consulting parties with the information concerning the proposed changes, and the signatories, Tribal Nations, and consulting parties will have 30 calendar days from receipt of this information to comment on the proposed changes. BOEM will consider any comments from signatories, Tribal Nations, and consulting parties prior to agreeing to any proposed changes. Using the procedure below, BOEM will, as necessary, consult with signatories, Tribal Nations, and consulting parties to identify and evaluate historic properties in any newly affected areas, assess the effects of the modification(s), and resolve any adverse effects. Any Project modification followed pursuant to this stipulation would not require an amendment to the MOA. BOEM will require the Lessee to document Project modifications, including any consultations conducted under this Stipulation in the annual report, pursuant to Stipulation XIV (*Reporting*).

1. If the Project is modified, and BOEM identifies no additional historic properties or determines that no historic properties are adversely affected due to the modification, BOEM, with the assistance of the Lessee, will notify and consult with the signatories, Tribal Nations, and consulting parties following the consultation process set forth in this Stipulation VII.A.1.
 - i. BOEM, with the assistance of the Lessee, will notify the signatories, Tribal Nations, and consulting parties about this proposed change and BOEM's determination by providing a written summary of the Project modification including any maps, a summary of any additional surveys and/or research conducted to identify historic properties and assess effects, and copies of the surveys.
 - ii. BOEM, with the assistance of the Lessee, will provide the signatories, Tribal Nations, and consulting parties with 30 calendar days to review and comment on the proposed change, BOEM's determination, and the documents.
 - iii. After the 30-calendar day review period has concluded, and if no comments require additional consultation, BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties that BOEM has approved the Project modification and, if BOEM received any comments, provide a summary of the comments and BOEM's responses.
 - iv. BOEM, with the assistance of the Lessee, will conduct any consultation meetings if requested by signatories, Tribal Nations, or consulting parties during this 30-calendar day review period.
2. If BOEM finds new adverse effects on historic properties will occur due to Project modification(s), BOEM, with the assistance of the Lessee, will notify and consult with the signatories, Tribal Nations, and consulting parties regarding BOEM's determination and the proposed measures to resolve the adverse effect(s) including the development of a new HPTP(s) following the consultation process set forth in this Stipulation VII.A.2.
 - i. BOEM, with the assistance of the Lessee, will notify the signatories, Tribal Nations, and consulting parties about this proposed modification, BOEM's determination, and the proposed resolution measures for the adverse effect(s).
 - ii. The signatories, Tribal Nations, and consulting parties will have 30 calendar days to review and comment on the adverse effect finding and the proposed resolution of adverse effect(s), including a draft HPTP(s).
 - iii. BOEM, with the assistance of the Lessee, will conduct additional consultation meetings, if necessary, during consultation on the adverse effect finding and during drafting and finalization of the HPTP(s).
 - iv. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
 - v. BOEM, with the assistance of the Lessee, will send the revised draft final documents to the signatories, Tribal Nations, and consulting parties for review and comment during a 30-calendar day review and comment period. With this same submittal of draft final documents, BOEM, with the assistance of the Lessee, will provide a summary of all the comments received on the documents and BOEM's responses.
 - vi. BOEM, with the assistance of the Lessee, will respond to the comments on the draft final documents and make necessary edits to the documents.

vii. Once BOEM has received agreement from the appropriate SHPO(s) on the finding of new adverse effect(s), BOEM has approved the final HPTP(s), and BOEM has approved the Project modification, BOEM, with the assistance of the Lessee, will notify signatories, Tribal Nations, and consulting parties that BOEM has approved the Project modification. With this notification, BOEM, with the assistance of the Lessee, will provide the final document(s), including the final HPTP(s) and a summary of comments and BOEM's responses to comments, if BOEM received any on the draft final documents.

viii. The MOA will not require an amendment after the final measures to resolve adverse effects, including an HPTP(s), are approved by BOEM. If a new HPTP(s) is developed through consultation, the new HPTP(s) will be attached to the MOA after it is approved by BOEM.

- B. If any of the signatories, Tribal Nations, or consulting parties object to the determinations, findings, or resolutions made pursuant to these measures (Stipulations VIII.A.1 and VIII.A.2), BOEM will first consult further and if still unsuccessful resolve any such objections pursuant to the dispute resolution process set forth in Stipulation XVI (*Dispute Resolution*).

Commented [BOEM8]: Added based on ACHP input. Please note that further consultation is defined as the first step of the dispute resolution process in Stipulation XVI.

VIII. SUBMISSION OF DOCUMENTS

- A. Tribal Nations, ACHP, NPS, and consulting parties:
1. All submittals to Tribal Nations, ACHP, NPS, and consulting parties will be submitted electronically unless a specific request is made for the submittal to be provided in paper format.
- B. Massachusetts SHPO
1. All submittals to Massachusetts SHPO, if required for any document produced under an HPTP, will be in paper format and delivered by U.S. Mail, delivery service, or by hand.
 2. Plans and specifications submitted to Massachusetts SHPO, if required for any document produced under an HPTP, must measure no larger than 11 x 17-inch paper format (unless another format is agreed to in consultation); therefore, all documents that will be submitted to Massachusetts SHPO under this MOA must meet this format.
- C. Rhode Island SHPO
1. All submittals to Rhode Island SHPO, if required for any document produced under an HPTP will be provided in both digital format, submitted electronically and in paper format, delivered by U.S. Mail, delivery service, or by hand, unless specifically requested by Rhode Island SHPO to be for digital delivery only.

IX. CURATION

- A. BOEM, with the assistance of the Lessee, will ensure that for collections from Federal lands or the OCS:
1. Any archaeological materials removed from Federal lands or the OCS as a result of the actions required by this MOA must be curated in accordance with 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 Fed. Reg. 27,085-27,087 [May 18, 1999]), or other provisions agreed to by the consulting parties and following applicable state guidelines. Other provisions may include curating materials of Native American heritage with Tribal Nations. No excavation is allowed to be initiated before acceptance and approval of a curation plan. The curation plan will be developed through consultation with the Tribal

Nations, agencies, and property owners and finalized within one year after completion of the associated construction activities.

- i. In the event artifacts and material culture of Native American heritage within the coastal and marine environments are identified and recovered during pre-construction, construction, operation, maintenance, and decommissioning of the proposed Project under this MOA, including for mitigation or resulting from post-review discovery including but not limited to vibracore sampling, those materials, if they are not replaced on the seafloor, will be housed at a curatorial facility selected in consultation with the Tribal Nations. These collection and curation directions do not apply to the post-construction seafloor inspection mitigation.
- B. BOEM, with the assistance of the Lessee, will ensure that for collections from state and local government lands:
1. Archaeological materials from state or local government lands in the APE and the records and documentation associated with these materials will be curated within the state of their origin at a repository acceptable to the applicable SHPO, or an approved and certified repository, in accordance with the standards and guidelines required by the state. State and local government lands as described here may include the seafloor in state waters. The terrestrial APE for the Project, where archaeological materials could originate, is located within Massachusetts and Rhode Island, and Tribal Nations are to be consulted on the curation location for any archaeological and Native American heritage material collections from onshore terrestrial archaeology work for the Project under this MOA, whether for mitigation or resulting from post-review discovery. If the materials are of Native American heritage, they may be curated with Tribal Nations. The curation plan will be developed through consultation with the consulting Tribal Nations, agencies, and property owners and finalized within one year after completion of the associated construction activities.
 - i. In the event artifacts and material culture of Native American heritage within the coastal and marine environments are identified and recovered from state waters during pre-construction, construction, O&M, and decommissioning of the proposed Project under this MOA, including for mitigation or resulting from post-review discovery, including but not limited to vibracore sampling, those materials, if they are not replaced on the seafloor, may be housed at a curatorial facility in consultation with Tribal Nations and the applicable SHPO and local government(s). These collection and curation directions do not apply to the post-construction seafloor inspection mitigation.
- C. BOEM, with the assistance of the Lessee, will ensure that collections from private lands would remain private property:
1. In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the landowner. In such instances, BOEM and the Lessee, in coordination with the Massachusetts SHPO or the Rhode Island SHPO, as appropriate based on which state these materials are located, and affected Tribal Nation(s), will encourage landowners to donate the collection(s) to an appropriate public or Tribal entity. To the extent a private landowner requests that the materials be removed from the site, the Lessee will seek to have the materials donated to the repository identified under Stipulation IX.B.1 through a written donation agreement developed in consultation with the consulting parties. BOEM, assisted by the Lessee, will seek to have all materials from each state curated together in the same curation facility within the state of origin. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or Tribal entity, BOEM and the Lessee will ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by BOEM, the appropriate SHPO, and

Commented [BOEM9]: Revised based on ACHP input.

affected Tribal Nation(s), and following applicable state guidelines. To the extent feasible, the materials and records resulting from the actions required by this MOA for private lands shall be curated in accordance with 36 CFR Part 79. No excavation is allowed to be initiated before acceptance and approval of a curation plan. The curation plan will be developed through consultation with the Tribal Nations, agencies, and property owners and finalized within one year after completion of the onshore construction activities.

X. EXPERTISE AND QUALIFICATIONS

- A. SOI's Standards for Archaeology and Historic Preservation. The Lessee will ensure that all work carried out pursuant to this MOA meets the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* (48 Fed. Reg. 44,716, September 29, 1983), and considers the suggested approaches to new construction in the SOI's Standards for Rehabilitation.
- B. SOI Professional Qualifications Standards. The Lessee will ensure that all work carried out pursuant to this MOA is performed by or under the direct supervision of historic preservation professionals who meet the *Secretary of the Interior's Professional Qualifications Standards* (48 Fed. Reg. 44,738 – 44,739). A "qualified professional" is a person who meets the relevant standards outlined in such SOI's Standards. The Lessee will provide documentation to BOEM demonstrating that consultants retained for services pursuant to the MOA meet these standards prior to the implementation of mitigation measures.
- C. Investigations of ASLFs. The Lessee will ensure that the additional investigations of ASLFs will be conducted and reports and other materials produced by one or more QMAs and geological specialists who meet the SOI's Professional Qualifications Standards and have experience both in conducting HRG surveys and processing and interpreting the resulting data for archaeological potential, as well as collecting, subsampling, and analyzing cores.
- D. Tribal Consultation Experience. BOEM, with the assistance of the Lessee, will ensure that all work carried out pursuant to this MOA that requires consultation with Tribal Nations is performed by professionals who have demonstrated professional experience consulting with Federally recognized Tribal Nations.
- E. Professional Standards for the Treatment of Human Remains. The Lessee will ensure that all work carried out pursuant to this MOA is performed by professionals who adhere to the principles of the Society for American Archaeology's *Statement Concerning the Treatment of Human Remains* (April 14, 2021) and the ACHP's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (March 2023).
- F. BOEM Acknowledgement of the Special Expertise of Tribal Nations. BOEM recognizes that all Tribal participants and knowledge need not conform to the SOI's standards and acknowledges that Tribal Nations possess special expertise in identifying, assessing the eligibility of, evaluating project effects on, and developing mitigation for historic properties that may possess religious and cultural significance to Tribal Nations, pursuant to 36 CFR 800.4(c)(1).
 - 1. To further apply this expertise, BOEM, with the assistance of the Lessee, will incorporate Indigenous Knowledge and Indigenous Traditional Ecological Knowledge (ITEK) that is conveyed by traditional knowledge keepers of the applicable Tribal Nation into the documents and review processes when such knowledge is received from Tribal Nations in consultation and during implementation of the MOA.
 - 2. BOEM will implement the principles found in the following guidance on incorporating Indigenous Knowledge in consultation and during implementation of the MOA:
 - i. White House Office of Science and Technology Policy and Council on Environmental Quality memorandums (Executive Branch policy) on ITEK and Federal Decision Making

(November 15, 2021) and “Guidance for Federal Departments and Agencies on Indigenous Knowledge” (November 30, 2022);

ii. Department of the Interior “301 DM 7 Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Department Actions and Scientific Research” (December 5, 2023); and

iii. ACHP’s *Policy Statement on Indigenous Knowledge and Historic Preservation* (March 21, 2024).

3. Tribal Nations will also be afforded the opportunity to review the application of their knowledge in documents produced under the MOA pursuant to Stipulation VI (*Review Process for Documents Produced Under MOA Stipulations*).

Commented [BOEM10]: Updated in response to ACHP’s comments on incorporating Indigenous Knowledge into the implementation of the MOA.

XI. DURATION

A. This MOA will expire at (1) the decommissioning of the Project in the Lease Area, as defined in the Lessee’s lease with BOEM (Lease Number OCS-A 0521), or (2) 33 years from the date of COP approval, whichever occurs first. Prior to such time, BOEM may consult with the signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XVII (*Amendments*).

XII. POST-REVIEW DISCOVERIES

A. Post-Review Discoveries. A post-review discovery may include either the unanticipated discovery of a previously unidentified historic property or an unanticipated effect on a known historic property. BOEM and BSEE, with the assistance of the Lessee, will implement the following measures in the event of a post-review discovery.

B. Implementation of Post-Review Discovery Plans. If properties are discovered that may be historically significant or unanticipated effects on historic properties are found, BOEM and BSEE, with the assistance of the Lessee, will implement the post-review discovery plans found in the *Unanticipated Discoveries Plan for Marine Archaeological Resources* (Attachment 13) and *Unanticipated Discoveries Plan for Terrestrial Archaeological Resources* (Attachment 14).

1. The signatories acknowledge and agree that it is possible that additional historic properties may be discovered during implementation of the Project, despite the completion of a good-faith effort to identify historic properties throughout the APE.

C. All Post-Review Discoveries. In the event of a post-review discovery of a historic property or unanticipated effects on a historic property prior to or during construction, operations and maintenance, or decommissioning of the Project, the Lessee will implement the following actions which are consistent with the post-review discovery plans (Attachments 13 and 14):

1. Immediately halt all ground- or seafloor-disturbing activities within the area of discovery in accordance with all safety procedures and emergency shut down protocols while considering whether stabilization and further protections are warranted to keep the discovered resource from further degradation and impact.

2. Notify BOEM and BSEE simultaneously in writing via a report within 72 hours of the discovery including any recommendations on need and urgency of stabilization and additional protections for the discovered resource.

3. BOEM, with the assistance of the Lessee, will notify Tribal Nations of the post-review discovery within 72 hours of receiving notification from the Lessee.

4. Keep the location of the discovery confidential and take no action that may adversely affect the discovered property until BOEM or the designated archaeologist or QMA (as described in

Commented [BOEM11]: BOEM has added this content to clarify that the process for handling post-review discoveries would also apply to cases in which there is an unanticipated effect on a known historic property.

Commented [BOEM12]: Added in response to ACHP’s comments on post-review discoveries.

Attachments 13 and 14) has made an evaluation and instructs the Lessee on how to proceed.

5. BOEM, with the assistance of the Lessee and in consultation with Tribal Nations, will consider the implementation of post-review discovery protocols developed by Tribal Nations, as applicable, prior to conducting additional investigations.
6. Conduct any additional investigations as directed by BOEM or the designated archaeologist or QMA to determine, in consultation with the appropriate SHPOs and applicable Federally recognized Tribal Nations, whether the resource is eligible for listing in the NRHP (30 CFR 585.702(b)). BOEM will also be notified about the transmittal of information on the archaeological site to the SHPO(s). BOEM will direct the Lessee to complete additional investigations, as BOEM deems appropriate, if:
 - i. The site has been impacted by Project activities; or
 - ii. Impacts on the site from Project activities cannot be avoided.
7. If investigations indicate that the resource is eligible for listing in the NRHP, BOEM, with the assistance of the Lessee, will work with the signatories, Tribal Nations, and consulting parties to this MOA who have a demonstrated interest in the affected historic property on the further avoidance, minimization, or mitigation of adverse effects.
8. If investigations identify that human remains or funerary items are present and associated with Tribal Nations or Native American (as defined at 25 U.S.C. 3001 (9)) occupations, then BOEM, assisted by the Lessee, will implement the treatment process consistent with NAGPRA. BOEM will consult with Tribal Nations prior to the development or execution of a treatment plan, consistent with the provisions of NAGPRA at 25 U.S.C. 3001-3013 and related law at 18 U.S.C. 1170. The Lessee will assist BOEM in the development and execution of a treatment plan at BOEM's request that is responsive to Tribal Nation concerns that might be expressed in the consultation.
9. If there is any evidence that the discovery is from a Native American society or appears to be a preserved burial site, the Lessee will contact the Tribal Nations as identified in the notification lists included in the post-review discovery plans within 72 hours of the discovery with details of what is known about the discovery and consult with the Tribal Nations pursuant to the post-review discovery plan.
10. If BOEM incurs costs in addressing the discovery, under Section 110(g) of the NHPA, BOEM may charge the Lessee reasonable costs for carrying out historic preservation responsibilities, pursuant to its delegated authority under the OCS Lands Act (30 CFR 585.702 (c)-(d)).

Commented [BOEM13]: Stipulations reordered to clarify the order in which each step should be implemented or observed.

XIII. EMERGENCY SITUATIONS

- A. In the event of an emergency or disaster that is declared by the U.S. President or the Governors of Massachusetts or Rhode Island, which represents an imminent threat to public health or safety or creates a hazardous condition due to impacts from this Project's infrastructure damaged during the emergency and affecting historic properties in the APE, the Lessee will notify BOEM and BSEE. BOEM, with the assistance of the Lessee, will notify the Tribal Nations, SHPOs, and the ACHP of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. BOEM will make the notification as soon as reasonably possible but no later than 48 hours from when it becomes aware of the emergency or disaster. If the Tribal Nations, SHPOs, or the ACHP desire to provide technical assistance to BOEM, they will submit comments within seven (7) calendar days from notification if the nature of the emergency or hazardous condition allows for such coordination.

XIV. REPORTING

- A. By January 31 of each calendar year, following the execution of this MOA until it expires or is terminated, the Lessee will prepare and, following BOEM's review and agreement to share this summary report, provide signatories, Tribal Nations, and consulting parties to this MOA with a summary report detailing work undertaken pursuant to the MOA. The report will include:
 - 1. A description of how the stipulations relating to avoidance, minimization, and mitigation measures (Stipulations I, II, and III) were implemented;
 - 2. Any scheduling changes proposed;
 - 3. Any project modifications, including consultations conducted pursuant to Stipulation VII (*Project Modifications*);
 - 4. Any changes to the attachments to the MOA;
 - 5. Any amendments to the MOA, pursuant to Stipulation XVII (*Amendments*);
 - 6. Any problems encountered regarding implementation of this MOA; and
 - 7. Any disputes and objections received in BOEM's efforts to carry out the terms of this MOA.
- B. The Lessee can satisfy its reporting requirement under this stipulation by providing the relevant portions of the annual compliance certification required under 30 CFR 285.633.
- C. If requested by the signatories, BOEM, with assistance from the Lessee, will convene an annual meeting with the signatories, Tribal Nations, and consulting parties to discuss the annual report, the implementation of this MOA, and other related requested topics.

XV. LEASE ASSIGNMENT AND SEGREGATION

- A. If as a result of an assignment of 100 percent of the record title interest to a portion of Lease OCS-A 0521 in accordance with 30 CFR 585.408 – 585.411 the assigned and retained portions become segregated into separate and distinct leases or a new legal entity is assigned 100 percent of the record title interest in the entirety of the lease, BOEM will ensure that approval of any activity on the assigned lease or portions of the lease includes conditions binding the assignee to the terms of this MOA as they apply to the original lease. The assignee will notify the signatories in writing that it agrees to the terms of this MOA and intends to sign the MOA as an invited signatory.
 - 1. BOEM will consider any necessary amendments to the MOA as a result in accordance with Stipulation XVII (*Amendments*).
 - 2. An amendment under Stipulation XVII (*Amendments*) will not be necessary if BOEM determines the assignee's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. In such a case, BOEM will document these conditions and involvement of the legal entity in a written notification to the signatories, Tribal Nations, and consulting parties and include a copy of the legal entity's executed signature page as an invited signatory.
- B. For the purposes of this MOA only, upon assignment of 100 percent of the record title interest in the entirety of Lease OCS-A 0521, the assignee will assume and implement all stipulations assigned to the Lessee in this MOA.
- C. For the purposes of this MOA only, upon assignment and segregation of Lease OCS-A 0521 into separate and distinct leases, the Lessee of the retained portion and the assignee of the assigned portion will each assume and implement all stipulations assigned to the Lessee in this MOA.

XVI. DISPUTE RESOLUTION

- A. If any signatory, Tribal Nation, or consulting party to this MOA objects at any time to any actions proposed or the manner in which the terms of this MOA are implemented, they must notify BOEM in writing of their objection. BOEM will consult with such party, and potentially with other interested parties, to resolve the objection and, if necessary, may amend the MOA to resolve the objection pursuant to Stipulation XVII (*Amendments*). If BOEM determines that such objection cannot be resolved:
 - 1. BOEM will forward all documentation relevant to the dispute, including BOEM's proposed resolution, to ACHP requesting that the ACHP provide BOEM with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, BOEM will prepare a written response that considers any timely advice or comments regarding the dispute from ACHP, signatories, Tribal Nations, and/or consulting parties, and provide them with a copy of this written response. BOEM will make a final decision and proceed accordingly.
 - 2. BOEM may make a final decision on the dispute and proceed accordingly if ACHP does not provide its advice regarding the dispute within the 30-calendar-day time period. Prior to reaching such a final decision, BOEM will prepare a written response that considers any timely comments regarding the dispute from the signatories, Tribal Nations, and/or consulting parties to the MOA, and provide them and ACHP with a copy of such written response.
- B. BOEM's and the Lessee's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
- C. At any time during the implementation of the measures stipulated in this MOA, should a member of the public object in writing to the signatories regarding the manner in which the measures stipulated in this MOA are being implemented, that signatory will notify BOEM. BOEM will review the objection and notify the other signatories as appropriate and respond to the objector.

XVII. AMENDMENTS

- A. This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by the signatories is filed with ACHP.
- B. Revisions to any attachment may be proposed by any signatory by submitting a draft of the proposed revisions to all signatories with a notification to the consulting parties. The signatories will consult for no more than 30 calendar days (or another time period agreed upon by all signatories) to consider the proposed revisions to the attachment. If the signatories unanimously agree to revise the attachment, BOEM will provide a copy of the revised attachment to the other signatories, Tribal Nations, and consulting parties. Revisions to any attachment to this MOA will not require an amendment to the MOA.

XVIII. TERMINATION

- A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories, Tribal Nations, and consulting parties to attempt to develop an amendment per Stipulation XVII (*Amendments*). If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- B. Once the MOA is terminated, and prior to work continuing on the undertaking, BOEM will either (a) execute a new MOA pursuant to 36 CFR 800.6; or (b) request, take into account, and respond to ACHP comments under 36 CFR 800.7. BOEM will notify the signatories as to the course of action it will pursue.

XIX. COORDINATION WITH OTHER FEDERAL AGENCIES

- A. In the event that another Federal agency not initially a party to or subject to this MOA receives an application for funding/license/permit for the undertaking as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this MOA and notifying the signatories that it intends to do so. Such Federal agency may become a signatory, invited signatory, or a concurring party (collectively referred to as a signing party) to the MOA as a means of complying with its responsibilities under Section 106 and based on its level of involvement in the undertaking. To become a signing party to the MOA, the agency official will provide written notice to the signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA. The participation of the agency is subject to approval by the signatories who will respond to the written notice within 30 calendar days, or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with Stipulation XVII (*Amendments*).
- B. If the signatories approve the Federal agency's request to be a signing party to this MOA, an amendment under Stipulation XVII (*Amendments*) will not be necessary if the Federal agency's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. BOEM will document these conditions and involvement of the Federal agency in a written notification to the signatories, Tribal Nations, and consulting parties, and include a copy of the Federal agency's executed signature page, which will codify the addition of the Federal agency as a signing party in lieu of an amendment.

XX. ANTI-DEFICIENCY ACT

- A. Pursuant to 31 U.S.C. 1341, BOEM's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. BOEM will make reasonable and good-faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs BOEM's ability to implement the stipulations of this agreement, BOEM will consult in accordance with the amendment and termination procedures found at Stipulations XVII and XVIII of this agreement.

Execution of this MOA by BOEM, Massachusetts SHPO, Rhode Island SHPO, and the ACHP and implementation of its terms demonstrates that BOEM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Signatory:

Bureau of Ocean Energy Management (BOEM)

Elizabeth A. Klein
Director
Bureau of Ocean Energy Management

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Signatory:

Massachusetts State Historic Preservation Officer (SHPO)

Brona Simon
State Historic Preservation Officer
Massachusetts Historical Commission

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Signatory:

Rhode Island State Historic Preservation Officer (SHPO)

Jeffrey Emidy
Executive Director and State Historic Preservation Officer
Rhode Island Historical Preservation & Heritage Commission

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Signatory:

Advisory Council on Historic Preservation (ACHP)

Reid J. Nelson
Executive Director
Advisory Council on Historic Preservation

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Invited Signatory:

Mashantucket (Western) Pequot Tribal Nation

Rodney Butler
Chairman
Mashantucket (Western) Pequot Tribal Nation

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Invited Signatory:

Mashpee Wampanoag Tribe

Brian Weeden
Chairman
Mashpee Wampanoag Tribe

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Invited Signatory:

Wampanoag Tribe of Gay Head (Aquinnah)

Cheryl Andrews-Maltais
Chairwoman
Wampanoag Tribe of Gay Head (Aquinnah)

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Invited Signatory:

SouthCoast Wind Energy LLC

Michael Brown
Chief Executive Officer
SouthCoast Wind Energy LLC

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

United States Bureau of Safety and Environmental Enforcement (BSEE)

Date: _____

Name: _____

Title: _____

United States Bureau of Safety and Environmental Enforcement (BSEE)

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

United States Army Corps of Engineers (USACE)

Date: _____

Name: _____

Title: _____

United States Army Corps of Engineers (USACE)

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

Delaware Tribe of Indians

Brad KillsCrow
Chief
Delaware Tribe of Indians

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

Mohegan Tribe of Connecticut

James Gessner
Chairman
Mohegan Tribe of Connecticut

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

The Narragansett Indian Tribe

Anthony Dean Stanton
Chief Sachem
The Narragansett Indian Tribe

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

The Shinnecock Indian Nation

Lisa Goree
Chairwoman
The Shinnecock Indian Nation

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

Concurring Party:

Organization: _____

Signature: _____

Date: _____

Name: _____

Title: _____

Organization: _____

**MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,
MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH),
THE STATE HISTORIC PRESERVATION OFFICERS
OF MASSACHUSETTS AND RHODE ISLAND,
SOUTHCOST WIND ENERGY LLC,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SOUTHCOST WIND PROJECT
(LEASE NUMBER OCS-A 0521)**

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**ATTACHMENT 1 – LISTS OF INVITED GOVERNMENTS AND ORGANIZATIONS AND
PARTICIPATING CONSULTING PARTIES**

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Table 1. Governments or Organizations Invited to Participate in NHPA Section 106 Consultation

Government or Organization Type	Invited Government or Organization Name
Federal Agencies or Facilities	U.S. Advisory Council on Historic Preservation (ACHP)
	U.S. Army Corps of Engineers (USACE)
	U.S. Bureau of Safety and Environmental Enforcement (BSEE)
	U.S. National Park Service (NPS)
	U.S. Navy, Naval Facilities Engineering Systems Command (NAVFAC)
	U.S. Navy, Naval History and Heritage Command
Federally Recognized Tribal Nations	Delaware Tribe of Indians
	Mashantucket (Western) Pequot Tribal Nation
	Mashpee Wampanoag Tribe
	Mohegan Tribe of Indians of Connecticut
	The Delaware Nation
	The Narragansett Indian Tribe
	The Shinnecock Indian Nation
	Wampanoag Tribe of Gay Head (Aquinnah)
SHPOs and State Agencies	Massachusetts Board of Underwater Archaeological Resources
	Massachusetts Commission on Indian Affairs
	Massachusetts Historical Commission
	Rhode Island Historical Preservation & Heritage Commission
Non-Federally Recognized Historic Massachusetts Tribe	Chappaquiddick Tribe of the Wampanoag Nation
Local Government	Barnstable County Board of Commissioners
	Cape Cod Commission
	City of Cranston, Rhode Island
	City of East Providence, Rhode Island
	City of Fall River, Massachusetts
	City of New Bedford, Massachusetts
	City of New Bedford, New Bedford Port Authority, Massachusetts
	City of Pawtucket, Rhode Island
	City of Providence, Rhode Island
	City of Warwick, Rhode Island
	County of Edgartown, Massachusetts

Government or Organization Type	Invited Government or Organization Name
	Dukes County Commission, Edgartown, Massachusetts
	Falmouth Historical Commission
	Martha's Vineyard Commission
	Nantucket Historic District Commission
	Nantucket Historical Commission
	Nantucket Planning and Economic Development Commission (NPEDC)
	Town of Aquinnah, Massachusetts
	Town of Barnstable, Massachusetts
	Town of Barnstable, Historical Commission, Massachusetts
	Town of Barrington, Rhode Island
	Town of Bristol, Rhode Island
	Town of Charlestown, Rhode Island
	Town of Chilmark, Massachusetts
	Town of Dartmouth, Massachusetts
	Town of East Greenwich, Rhode Island
	Town of Falmouth, Massachusetts
	Town of Gosnold, Cuttyhunk Island, Massachusetts
	Town of Jamestown, Rhode Island
	Town of Little Compton, Rhode Island
	Town of Middletown, Rhode Island
	Town of Nantucket, Massachusetts
	Town of Narragansett, Rhode Island
	Town of New Shoreham, Block Island, Rhode Island
	Town of Oak Bluffs, Massachusetts
	Town of Portsmouth, Rhode Island
	Town of Somerset, Massachusetts, Historical Commission
	Town of South Kingston, Wakefield, Rhode Island
	Town of Swansea, Massachusetts
	Town of Tisbury, Vineyard Haven, Massachusetts
	Town of Tiverton, Rhode Island
	Town of Warren, Rhode Island
	Town of Westerly, Rhode Island

Government or Organization Type	Invited Government or Organization Name
	Town of Westport, Massachusetts
Nongovernmental Organizations or Groups	Alliance to Protect Nantucket Sound (APNS)
	Charlestown Historical Society
	Gay Head Lighthouse Advisory Board
	Martha's Vineyard Museum
	Massachusetts Historical Society
	Museum of African American History, Boston
	Museum of African American History, Nantucket
	Nantucket Conservation Foundation
	Nantucket Historical Association
	Nantucket Preservation Trust
	Oak Grove Cemetery Association of Falmouth, Inc.
	Preservation Massachusetts
	Rhode Island Historical Society
	South County History Center, Kingston, Rhode Island
	The Maria Mitchell Association (Dark Skies Initiative)
	Trustees Martha's Vineyard and Nantucket
	Vineyard Power Cooperative
Lessee	SouthCoast Wind Energy LLC

Table 2. Consulting Parties Participating in Section 106 Consultation

Government or Organization Type	Participating Government or Organization Name
Federal Agencies or Facilities	U.S. Advisory Council on Historic Preservation (ACHP)
	U.S. Bureau of Safety and Environmental Enforcement (BSEE)
	U.S. National Park Service (NPS)
	U.S. Army Corps of Engineers (USACE)
	U.S. Navy, Naval Facilities Engineering Systems Command (NAVFAC)
	U.S. Navy, Naval History and Heritage Command
Federally Recognized Tribal Nations	Delaware Tribe of Indians
	Mashantucket (Western) Pequot Tribal Nation
	Mashpee Wampanoag Tribe
	Mohegan Tribe of Indians of Connecticut
	The Narragansett Indian Tribe
	The Shinnecock Indian Nation
	Wampanoag Tribe of Gay Head (Aquinnah)
SHPOs and State Agencies	Massachusetts Board of Underwater Archaeological Resources (BUAR)
	Massachusetts Historical Commission (MHC)
	Rhode Island Historical Preservation & Heritage Commission (RIHPHC)
Non-Federally Recognized Historic Massachusetts Tribe	Chappaquiddick Tribe of the Wampanoag Nation
Local Government	Cape Cod Commission
	City of East Providence, Rhode Island
	City of New Bedford and New Bedford Port Authority, Massachusetts
	Martha's Vineyard Commission
	Nantucket Historic District Commission
	Nantucket Historical Commission
	Nantucket Planning & Economic Development Commission (NPEDC, represented by Cultural Heritage Partners [CHP])
	Town of Aquinnah, Massachusetts
	Town of Barnstable, Massachusetts

Government or Organization Type	Participating Government or Organization Name
	Town of Barnstable, Historical Commission, Massachusetts
	Town of Bristol, Rhode Island
	Town of Falmouth, Massachusetts
	Town of Jamestown, Rhode Island
	Town of Middletown, Rhode Island
	Town of Nantucket, Massachusetts (represented by CHP)
	Town of Somerset, Historical Commission, Massachusetts
	Town of South Kingstown, Rhode Island
	Town of Swansea, Massachusetts
	Town of Swansea, Conservation Commission, Massachusetts
	Town of Warren, Rhode Island
	Town of Westport, Massachusetts
Non-governmental Organizations or Groups	Alliance to Protect Nantucket Sound (APNS)
	Gay Head Lighthouse Advisory Board
	Nantucket Preservation Trust
	Oak Grove Cemetery Association of Falmouth, Inc.
	The Maria Mitchell Association
Lessee	SouthCoast Wind Energy LLC

ATTACHMENT 2 – APE MAPS

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**ATTACHMENT 3 – FALMOUTH TERRESTRIAL ARCHAEOLOGICAL MONITORING
PLAN**

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**ATTACHMENT 4 – AQUIDNECK ISLAND TERRESTRIAL ARCHAEOLOGICAL
MONITORING PLAN**

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ATTACHMENT 5 – MITIGATION FUNDING AMOUNTS

The mitigation measures in Stipulation III have been developed by individuals who meet the qualifications specified in the SOI's Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture (36 CFR 61) and are based on input from consulting parties. The mitigation measures consider the nature, scope, and magnitude of adverse effects caused by the Project and the qualifying characteristics of each historic property that would be affected. The funding amounts that follow are those that have been committed to by the Lessee, which is responsible for providing this funding, as developed in consultation with consulting parties. As detailed below, the Lessee would provide funding to support mitigation of all adverse effects caused by the Project as described in the MOA in Stipulation III. These costs are good-faith estimates, based on the experience of these qualified consultants with similar activities and comparable historic properties.

The mitigation funding amounts for each adversely affected historic property for which mitigation has been stipulated in Stipulation III are summarized in the lists below. The corresponding mitigation measures are summarized in more detail in Stipulation III and referenced HPTs, where applicable.

Mitigation Measures for Adversely Affected Historic Properties in the Marine APE

- Per Stipulation III.C, a maximum of \$700,000 for mitigation to resolve adverse effects on one marine archaeological resource (21-01) and two ASLFs (i.e., LA-P-20-01 and BP-P-21-02), including:
 - \$500,000 for Preconstruction Geoarchaeology and Post-Construction Seafloor Assessment.
 - \$200,000 for Scholarships and Training for Tribal Resource Stewardship.

Mitigation Measures for Adversely Affected Historic Properties in the Terrestrial APE

- Per Stipulation III.D, mitigation to resolve adverse effects on two terrestrial archaeological resources (i.e., RI-2816 and RI-2817), for:
 - Phase III Archaeological Data Recovery.
 - The Lessee has budgeted \$30,000 for completion of this mitigation measure; however, completion of this mitigation measure consistent with the description in the MOA and in the HPTP is required regardless of actual cost at the time of implementation.

Mitigation Measures for Adversely Affected Historic Properties in the Visual APE

- Per Stipulation III.E, a maximum of \$610,000 for mitigation to resolve adverse effects on the following three (3) adversely affected historic properties in the visual APE as follows:
 - \$100,000 for the implementation of the *Historic Properties Treatment Plan for Chappaquiddick Traditional Cultural Place* (Attachment 10) for Chappaquiddick Island TCP.
 - \$150,000 for the implementation of the *Historic Properties Treatment Plan for Nantucket Historic District* (Attachment 11) for Nantucket Historic District NHL.
 - \$360,000 for the implementation of the *Historic Properties Treatment Plan for Nantucket Sound Traditional Cultural Place* (Attachment 12) for Nantucket Sound TCP.

Commented [BOEM14]: The amounts indicated below are those as currently proposed by the Lessee and are based on consultations with interested consulting parties to date. These amounts are subject to change based on ongoing consultations. Final amounts will be stipulated in the Final MOA.

- Per Stipulation III.E, mitigation to resolve adverse effects on the Oak Grove Cemetery in the visual APE as follows:
 - Implementation of the *Historic Properties Treatment Plan for Oak Grove Cemetery* (Attachment 13) for Oak Grove Cemetery in Falmouth, Massachusetts.
 - The Lessee has budgeted \$15,000 for completion of this mitigation measure; however, full completion of this mitigation measure consistent with the description in the MOA and in the HPTP is required, regardless of actual cost at the time of implementation. This mitigation measure would be funded and implemented by the Lessee if the variant Falmouth ECC is utilized.

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**ATTACHMENT 6 – HISTORIC PROPERTIES TREATMENT PLAN FOR ANCIENT
SUBMERGED LANDFORMS AND SUBMERGED CULTURAL RESOURCES**

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**ATTACHMENT 7 – HISTORIC PROPERTIES TREATMENT PLAN FOR TERRESTRIAL
ARCHAEOLOGICAL SITES IN RHODE ISLAND**

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**ATTACHMENT 8 – HISTORIC PROPERTIES TREATMENT PLAN FOR CHAPPAQUIDDICK
ISLAND TRADITIONAL CULTURAL PLACE**

DRAFT

**ATTACHMENT 9 – HISTORIC PROPERTIES TREATMENT PLAN FOR NANTUCKET
HISTORIC DISTRICT**

DRAFT

**ATTACHMENT 10 – HISTORIC PROPERTIES TREATMENT PLAN FOR NANTUCKET
SOUND TRADITIONAL CULTURAL PLACE**

DRAFT

**ATTACHMENT 11 – HISTORIC PROPERTIES TREATMENT PLAN FOR OAK GROVE
CEMETERY**

DRAFT

ATTACHMENT 12 – TERRESTRIAL ARCHAEOLOGY PHASED IDENTIFICATION PLAN

DRAFT

**ATTACHMENT 13 – UNANTICIPATED DISCOVERIES PLAN FOR MARINE
ARCHAEOLOGICAL RESOURCES**

DRAFT

**ATTACHMENT 14 – UNANTICIPATED DISCOVERIES PLAN FOR TERRESTRIAL
ARCHAEOLOGICAL RESOURCES**

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SOUTHCOAST WIND

Appendix S.3 Historic Properties Treatment Plan for Nantucket Historic District

Document Revision	D
Issue Date	September 2024
Document Number	MW01-COR-COP-RPT-0026



Historic Properties Treatment Plan for the SouthCoast Wind Project

Historic Properties Subject to Adverse Visual Effect

Nantucket, Massachusetts

Submitted to:



Bureau of Ocean Energy Management
U.S. Department of the Interior

Prepared for:



SouthCoast Wind Energy
LLC

<https://southcoastwind.com>

Prepared by:



The Public Archaeology Laboratory, Inc.
<https://www.palinc.com/>

September 2024

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LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
ADLS	Advanced Detection Lighting System
APE	Area of Potential Effects
APVI	Area of Potential Visual Impact
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
COP	Construction and Operations Plan
FR	Federal Regulation
HRVEA	Historic Resources Visual Effects Assessment
HDD	Horizontal Directional Drilling
HPTP	Historic Preservation Treatment Plan
HVDC	High Voltage Direct Current
MA	Massachusetts
MARA	Marine Archaeological Resource Assessment
MASHPO	Massachusetts State Historic Preservation Office(r)
MGL	Massachusetts General Laws
MHC	Massachusetts Historic Commission
MOA	Memorandum of Agreement
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NEPA	National Environmental Policy Act
OCS	Outer Continental Shelf
PAPE	Preliminary Area of Potential Effects
RFP	Request for Proposal
ROD	Record of Decision
SOI	Secretary of the Interior
TARA	Terrestrial Archaeological Resource Assessment

1.0 EXECUTIVE SUMMARY

This Historic Property Treatment Plan (HPTP) provides background data, historic property information, and detailed steps that will be implemented to resolve the adverse visual effects to the Nantucket Historic District in Nantucket, Massachusetts (MA) resulting from the construction and operation of the SouthCoast Wind Project (the Undertaking or Project) to satisfy requirements of Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA) of 1966 (54 USC 300101; United States Code, 2016). This HPTP outlines the implementation steps and timeline for these mitigation actions.

Section 1.0, Executive Summary, outlines the content of this HPTP.

Section 2.0, Background Information, briefly summarizes the Undertaking while focusing on cultural resources regulatory contexts (federal, state, and local), identifies the single historic property discussed in this HPTP that will be adversely affected by the Undertaking, and summarizes the pertinent report that guided the development of this document (prepared by AECOM).

Section 3.0, Existing Conditions and Historic Significance, provides a physical description of the Nantucket Historic District (the historic property). Set within its historic context, the applicable National Register of Historic Places (NRHP) criteria for the Nantucket Historic District are discussed with a focus on its overall significance and integrity.

Section 4.0, Mitigation Measures, presents specific steps to carry out mitigation to minimize adverse Project impacts. The mitigation measures include the proposed treatment, purpose and intended outcomes, scope of work, methodology, standards, reporting requirements, and accounting.

Section 5.0, Implementation, establishes the process for executing mitigation measures for the Nantucket Historic District as identified in Section 4.0 of this HPTP.

Section 6.0, Finalization, establishes when the mitigation will be finalized, unless a different timeline is agreed upon by the Section 106 Consulting Parties and accepted by BOEM.

Section 7.0, References, is a list of works referenced and/or cited in preparing this HPTP.

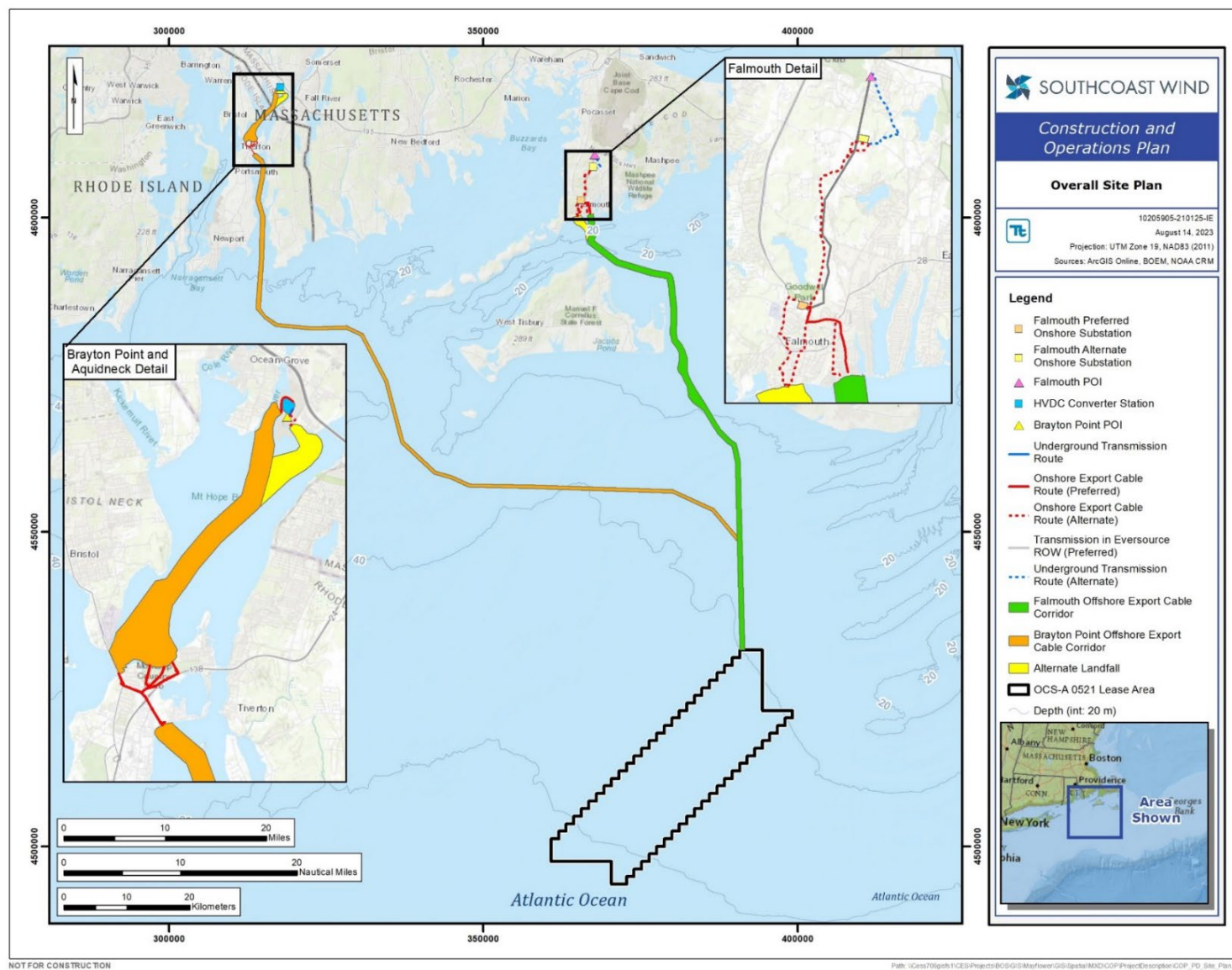
2.0 BACKGROUND INFORMATION

2.1 Project Overview

OW North America LLC (Ocean Winds) proposes to construct and operate the SouthCoast Wind Project (Project). The Project includes construction of the SouthCoast Wind turbine array inter-array cables, and offshore substation platforms in federal waters on the Atlantic Outer Continental Shelf (OCS) within the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0521 (Lease Area) approximately 20 nautical miles (37 kilometers) south of Nantucket Island; export cables that traverse federal and state waters with landfalls in Falmouth and Somerset, Massachusetts; and onshore High Voltage Direct Current (HVDC) converter stations at Brayton Point in Somerset and in Falmouth, Massachusetts, points of interconnection, and onshore, underground transmission delivery systems (see Figure 2.1-1). As a part of the onshore components for the Brayton Point export cable corridor, SouthCoast Wind is considering several cable duct bank route segment options and horizontal directional drilling (HDD) site options in Portsmouth, Rhode Island.

This Historic Properties Treatment Plan (HPTP) addresses the potential for adverse effects to the Nantucket Historic District, which is comprised of the entire island of Nantucket, as well as Tuckernuck and Muskeget Island.

Figure 2.1-1. SouthCoast Wind Project Overview



2.2 Section 106 of the National Historic Preservation Act

As a project that requires approval from BOEM, the Project is considered a federal undertaking and as such, must comply with Section 106 and Section 110 of the National Historic Preservation Act of 1966 (NHPA), as amended, and the National Environmental Policy Act of 1970 (NEPA). This report addresses adverse visual impacts to historic properties in compliance with Section 106 and Section 110 of the NHPA.

Section 106 of the NHPA requires federal agencies to identify and assess the effects of undertakings on historic resources and to resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts. Section 110 of the NHPA requires federal agencies to establish a historic preservation program for the identification, evaluation, and protection of historic properties under their control or ownership within an Area of Potential Effect (APE). An APE, as defined by 36 CFR § 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”.

Regulations under Section 106 (36 Code of Federal Regulations [CFR] 800.8(c)) allow the substitution of the NEPA reviews for the Section 106 process. Under this subsection, an agency can use the NEPA process and the documents it produces to comply with Section 106 in lieu of the procedures set forth in 36 CFR 800.3-800.6. In 2020, BOEM announced its intention to implement the NEPA substitution process for Section 106 review for renewable energy Construction and Operations Plans (COPs). Per the available guidance (Advisory Council on Historic Preservation [ACHP] and Council on Environmental Quality, 2013), the NEPA substitution process provides an opportunity for an agency to streamline its overall environmental and historic preservation review process. A Project Notification Form containing a preliminary Project description, general schedule, and recommended cultural resources studies was submitted to the Massachusetts State Historic Preservation Office (MASHPO, Office of the Massachusetts Historical Commission [MHC]) on February 14, 2020. MASHPO issued a response to the submittal on March 9, 2020. Consultation with MASHPO, the Town of Nantucket, and other Interested Consulting Parties is ongoing. Section 106 and Section 110 of the NHPA was initiated with the issuance of a Notice of Intent (NOI) by BOEM on November 1, 2021.

2.2.1 Municipal Regulations

The Town of Nantucket and Nantucket Historical Commission may provide comments on implementation of the proposed mitigation.

Table 2.2.1–1. Municipal Departments that may provide comments on implementation of mitigation

Name	Municipality	Departments
Nantucket Historic District	Town of Nantucket	Planning Department Nantucket Historic District of Nantucket, Inc. Nantucket Historical Commission

2.3 Resolution of Adverse Effects Measures

To support BOEM’s efforts to identify historic properties within the Project’s Preliminary Area of Potential Effects (PAPE), SouthCoast Wind conducted an Analysis of Visual Effects to Historic Properties (AVEHP) assessment, terrestrial archaeological resources assessment (TARA), and a marine archaeological resources assessment (MARA). The results of these investigations can be found in the SouthCoast Wind COP, Volume II, Section 7, Appendix S, Appendix S.1, Appendix R, and Appendix Q. Based on a review of these documents and consultation with Interested Consulting Parties, BOEM is expected to issue a Finding of Adverse Effect for the proposed Project on the Nantucket Historic District in Nantucket, MA.

Pursuant to 36 CFR § 800.6 (a), SouthCoast Wind will be required to mitigate the adverse effect in accordance with requirements laid out by BOEM in a forthcoming Record of Decision (ROD). BOEM will be executing a Memorandum of Agreement (MOA) with the MASHPO and other Interested Consulting Parties, which will outline the mitigation stipulations. This HPTP will be referenced in an attachment to the MOA.

This HPTP provides background data, and steps that may be implemented to carry out any mitigation measures. Standard mitigation measures for visual impacts that have been taken into consideration include the color of the turbines and blades that will allow them to blend in with their setting, as well as implementing Aircraft Detection Lighting System (ADLS) which will significantly reduce impacts in twilight and nighttime hours (see COP Appendix Y.3, Aircraft Detection Lighting System Efficacy Analysis). Alternative mitigation measures implemented under this HPTP will be conducted in consultation with the Town of Nantucket, and other Interested Consulting Parties, as appropriate, and in accordance with applicable local, state, and federal regulations and permitting requirements. Responsibilities for specific compliance actions are described in further detail in Section 5.2, Organizational Responsibilities.

For the purposes of this HPTP, Interested Consulting Parties are defined as a subset of the NHPA Section 106 consulting parties that have a functional role in the process of fulfilling the mitigation measure implementation processes described herein. Interested Consulting Parties with an interest in the adversely affected historic properties as summarized in Table 2.3-1.

Table 2.3-1. Interested Consulting Parties Potentially Involved with the Nantucket Historic District, National Historic Landmark Historic Property

Name	Relationship to Historic Property	Address
Advisory Council on Historic Preservation	Federal Agency	Federal Property Management Section, 401 F St NW, Suite 308, Washington DC 20001
Massachusetts State Historic Preservation Office/ Massachusetts Historical Commission	State Historic Preservation Office / State Historical Commission	220 Morrissey Boulevard, Boston, MA 02125
Town of Nantucket/Nantucket Historical Commission	Local Government / Local Historical Commission	59 Town Hall Square, Town Hall, Nantucket, MA 02540
Wampanoag Tribe of Gay Head (Aquinnah)	Traditional Homeland	20 Black Brook Road Aquinnah, MA 02535-1546
Mashpee Wampanoag Tribe	Traditional Homeland	483 Great Neck Road South Mashpee, MA 02649

Figure 2.3-1. Nantucket Historic District Location (and NAN.C and NAN.D), Nantucket, Massachusetts



3.0 HISTORIC SIGNIFICANCE OF THE HISTORIC PROPERTY

3.1 Historic Property

This HPTP involves one historic property, the Town of Nantucket, Nantucket County. The Nantucket Historic District, designated a National Historic Landmark (NHL) (NRIS 66000772) in 1966, now encompasses the entire island of Nantucket and contains 27,207 acres and approximately 13,000 historic resources built before or in 1975. In 1966 the Historic District NHL did not include the entire island; the boundaries were expanded in 1975 to include the entire island. An update to the NRHP Form/NHL was completed in 2012 and definitively included the islands of Tuckernuck (878 acres) and Muskeget (296 acres). *The following sections on historic context and significance are excerpted from the 2012 National Park Service (NPS) National Register of Historic Places (NRHP) Registration Form.*

3.2 Historic Context and Significance

The historic context for Nantucket spans its history from 1659 when Thomas Macy and his family together with Edward Starbuck, James Coffin and Isaac Coleman sailed from Salisbury, Massachusetts to Nantucket and spent the winter in a hut near Madaket Harbor at the southwest corner of the island. The context extends through the Settlement Period until 1722, continuing through the Colonial and Revolutionary Periods (1723-1791), the Federal and Classic Periods (1791 – 1860), and including Tourism (1835 -1935) and Preservation & Revivalist Architecture (ca. 1880-1955) and finally the Modern Period from 1955 -1975. For an extensive history of Nantucket please refer to the 2012 NPS Registration Form.

Nantucket retains two exceptionally well-preserved village centers (Nantucket Town and Siasconset) which retain nationally important examples of architecture from the Colonial, Federal, Greek Revival and Victorian periods, as well as from the 20th century when architectural preservation and architectural revivals based upon Nantucket's past became the dominant themes of local architecture because of the island's nationally significant historic preservation movement. Three historic properties in Nantucket have individual historic listing designations. The Jethro Coffin House, built in 1686 and likely the oldest Nantucket house on its original site, was designated an NHL in 1966. Brant Point Light Station and Sankaty Light Station were listed separately in the National Register in 1987. Brant Point Light, built in 1901, is the tenth light on the point. Sankaty Head Light, built in 1850, was one of the first lighthouses in the country to receive a Fresnel lens. Both lighthouses were automated in 1965.

The period of significance of the NHL, as listed in the 2012 update extends from 1659 to 1975 in the areas of architecture, commerce, conservation, entertainment/recreation, ethnic heritage of Black and Native Americans, maritime history, and social history.

3.3 National Register of Historic Places and National Historic Landmark Criteria

Nantucket, including the islands of Tuckernuck and Muskeget, is eligible at the National level to the NRHP under Criteria A, B, C, and D.

- A. Associated with events that have made a significant contribution to the broad patterns of history.
- B. Associated with the lives of persons significant in our past.
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- D. That have yielded or may be likely to yield information important in prehistory or history.

Nantucket is a nationally significant property under Criteria 1 through 4 of the six NHL criteria:

Criterion 1: Properties that are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained.

Criterion 2: Properties that are associated importantly with the lives of persons nationally significant in the history of the United States.

Criterion 3: Properties that represent some great idea or ideal of the American people.

Criterion 4: Properties that embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style, or method of construction, or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction.

Criterion 5: Properties that are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively

compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture.

Criterion 6: Properties that have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

4.0 MITIGATION MEASURES

This section details the proposed mitigation measures to resolve adverse effects to historic properties as described in the SouthCoast Wind COP, and describes the purpose and intended outcome, scope of work, methodology, standards, deliverables, and funds and accounting for the measure. The content of this section was developed on behalf of SouthCoast Wind by individuals who meet the Secretary of the Interior (SOI) Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture (62 FR 33708) and is consistent with fulfilling the mitigation measures such that they fully address the nature, scope, size, and magnitude of the adverse visual effect. Fulfillment of the mitigation measures will be led by personnel with demonstrated experience working in historic preservation, in coordination with individuals who meet SOI Qualifications Standards for Archaeology, History, Architectural History, and/or Architecture.

4.1 Mitigation Measure – Nantucket Historic District

SouthCoast Wind is prepared to fund and implement historic property surveys of neighborhoods along the south coast depicted on Figure 2-3.1. The Town of Nantucket and Nantucket Historical Commission may choose to provide input on the selection of neighborhoods to be surveyed.

SouthCoast Wind is also prepared to fund and implement an Archaeological Overview and Assessment of these same neighborhoods. This assessment will concentrate on the pre-contact history of the south coast of the island, a period that has not been recognized in the NRHP/NHL designation. The assessment also will take particular note of those areas along the coast in these neighborhoods that are subject to coastal erosion that is impacting archaeological sites. Similarly, the Town of Nantucket and Nantucket Historical Commission may choose to provide input on the Archaeological Overview and Assessment of these neighborhoods.

4.1.1 Purpose and Intended Outcome

The purpose of the mitigation will be to offset the visual effects that may affect Nantucket. These effects involve the presence of visual infrastructure, i.e., the WTGs and OSPs in the Lease Area, and their lighting. Some visual effects will be minimized by the color of the towers and turbines, and the proposed ADLS to be implemented on all turbines. Other proposed mitigation will provide a benefit to the public and Native American tribes that are affected by elements of the wind farm through documentation of properties that

are important to the communities. The historic property surveys will contribute to implementation of the Town of Nantucket's Historic Properties Survey Plan (Adams, et al. 2022),

4.1.2 Scope of Work

The scopes of work for the historic surveys and the Archaeological Overview and Assessment will consist of the following:

4.1.3 Methodology

4.1.3.1 Historic Properties Survey

Coordination:

Areas subject to survey will be selected in consultation with the Massachusetts SHPO, Wampanoag THPOs, and other Interested Consulting Parties as necessary. All surveys will follow the MHC's *Historic Properties Survey Manual: Guidelines for the Identification of Historic and Archaeological Resources in Massachusetts* (1992), *Survey Technical Bulletin #1* (1993), *MHC Interim Survey Guidelines* (March 1999, et seq.), *MHC Interim Guidelines for Inventory Form Photographs* (2009), *MHC's Guidelines for Inventory Form Locational Information* (2013), and related technical guidance. The survey will include new survey work and updating existing forms. All survey work will be recorded on large-scale maps and may be formatted for compatibility with the Town's GIS database for historic resources. Most historic resources on Nantucket are buildings, and the Nantucket Historic District is a local historic district, therefore, the individual **Form B – Building** will be the most used form. Other types of individual resources are found on Nantucket and will be documented on specific forms as follows: Monuments and markers on **Form C – Objects**; cemeteries on **Form E – Burial Grounds and Cemeteries**; bridges, walls, piers on **Form F – Structures**; and parks and landscapes on **Form H – Parks and Landscapes**. The **Form A - Area** is used to document a collection of adjacent and related historic resources that share a design or event history, such as in a neighborhood, cottage colony or other building complex, or streetscape resources within a given work effort. Descriptions will include the overall characteristics of the area and key and representative resources. The survey methodology will be consistent with the Town of Nantucket's Historic Properties Survey Plan (Adams, et al. 2022) and the selection of survey neighborhoods will be informed by the survey priorities identified in the Survey Plan.

Research:

Research will be conducted to supplement and update existing historical contexts for a comprehensive understanding of the history and potential significance of individual surveyed resources. The Nantucket Island-wide historical contexts are generally well developed in the 1966 NHL nomination and the 2012 NHL Nomination Update and other past research and publications. Research conducted by local historians and students under the Nantucket Historical Association, Nantucket Atheneum, Nantucket Historic Preservation Trust, and Preservation Institute: Nantucket will be reviewed.

Fieldwork:

Most locations are accessible on foot and by car. Data collected will include the built resource, its property characteristics, and its town or natural settings. Survey updates will record changes that have occurred since the original survey. Buildings with existing survey information that have been demolished or moved will be noted. The surveyors will use GIS mapping to locate properties, handheld devices or paper for field notes, and high-resolution digital color photography.

National Register of Historic Places Eligibility Evaluations:

National Register nomination eligibility recommendations and other related recommendations will be made for individual properties as well as the selected neighborhoods. The recommendations will be based on the NRHP criteria listed in Section 3.3.

4.1.3.2 Archaeological Overview and Assessment

The Archaeological Assessment and Overview may consist of a narrative report and graphics that summarize background research and provide environmental and cultural frameworks for pre-contact and post-contact site potential across the southwest and south neighborhoods (see Figure 2.3-1) of Nantucket with special emphasis on the coast.

Coordination:

The principal investigator will coordinate the project schedule and deliverables for the overview and assessment project with the Massachusetts SHPO and other Interested Consulting Parties, as necessary, including the Native American Tribes.

Research:

Background information specific to Nantucket will be reviewed, placed in the larger context of local, state, and regional environmental and cultural history, and tied to the predictive models for archaeological pre-contact and post-contact site potential. A comprehensive review of primary and secondary sources of information including published and unpublished paleoenvironmental and geological studies, paleoecological studies, informant interviews, and previous archaeological reports will be conducted.

Archaeological site files maintained at the MHC and in MACRIS will be reviewed and site locational data and information will be included in the report text and on scaled USGS maps of Nantucket. Town and county histories, historical maps, and archaeological reports from nearby surveys and from those surveys previously conducted on Nantucket also will be reviewed for information pertinent to the study area. Research will be conducted at the NHS and coordinated with NHS staff.

Fieldwork:

The principal investigator will conduct a surface examination (walkover/drive over) of Nantucket to examine the current physical condition of recorded archaeological sites and historically documented/mapped resources on the island. Information collected during the fieldwork will be used to assist in the development of the site sensitivity model for pre-contact and historic site potential within each refuge. Digital photographs of representative environmental zones and site locations will be taken. GIS-based sensitivity maps will be produced and include I the final report.

4.1.4 Standards

The Project will comply with the following standards:

- The Secretary of the Interior's Standards for the Treatment of Historic Properties (1983).
- The Secretary of the Interior's Standards and Guidelines: Archeology and Historic Preservation (1983).

4.1.5 Documentation / Deliverables

The following draft and final documents will be provided for review and comment by the Interested Consulting Parties:

- Historic survey reports for selected neighborhood areas of the island of Nantucket.
- Appropriate MHC Forms (A, B, C, F, H) for all inventoried properties in the selected neighborhoods.

- Archaeological Overview and Assessment report of the southwest and south neighborhoods of Nantucket as depicted on Figure 2.3-1.
- MHC archaeological site forms for newly identified sites.
- Updates, where warranted, to existing MHC forms.
- Publication(s) suitable for public distribution by SouthCoast Wind

4.1.6 Reporting

Following Project approval, SouthCoast Wind shall prepare a summary report detailing the mitigation measures undertaken pursuant to the HPTP. The report will be provided to the Town of Nantucket and all other Interested Consulting Parties. The report will be prepared, reviewed, and distributed by January 31 of each calendar year until the HPTP is complete. The report will summarize the work undertaken during the previous year.

4.1.7 Funds and Accounting

SouthCoast Wind will be responsible for funding and implementation of these mitigation measures.

5.0 IMPLEMENTATION

5.1 Timeline

The mitigation measures identified within this HPTP may be implemented prior to the commencement of, during, or after construction for the Undertaking.

5.2 Organizational Responsibilities

5.2.1 Bureau of Ocean Energy Management

- Will be the lead federal agency
- Make all federal decisions and determine compliance with Section 106.
- Consult with SouthCoast Wind, MASHPO, relevant federally recognized tribes, and other Interested Consulting Parties with demonstrated interest in the affected historic properties.
- Review and approve all deliverables prepared and distributed to the Interested Consulting Parties.

5.2.2 SouthCoast Wind

- Fund and implement the mitigation measures described in Section 4.0 of this HPTP.
- Prepare a summary report, submit report to BOEM for review and approval, and distribute to Interested Consulting Parties per Section 4.1.6.
- Submit information for Interested Consulting Parties review per Sections 4.1.2, 4.1.3, and 5.1.
- Creation and distribution of RFP to solicit consultant support for mitigation measure fulfillment.
- Selection of a consultant who meets the Secretary of the Interior's Professional Qualifications Standards for History, Architectural History and Archeology (36 CFR Part 61). Initial review of documentation for compliance with the Scope of Work, Methodology and Standards.
- Distribution of documentation to Interested Consulting Parties for their review.
- Review and comment on deliverables.

5.2.3 Massachusetts State Historic Preservation Office

- Consult, when necessary, on implementation of this HPTP.

5.2.4 Advisory Council on Historic Preservation

- Consult, when necessary, on implementation of this HPTP.

6.0 FINALIZATION

The HPTP will be finalized with the execution of the MOA. Mitigation measures within this HPTP will be completed within five years of execution of the MOA, unless a different timeline is agreed upon with BOEM. Mitigation measures may be completed simultaneously, as applicable.

7.0 REFERENCES

Works Cited

Advisory Council on Historic Preservation and Council on Environmental Quality. 2013. *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*. March 2013.

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Adams, Virginia H, Melissa J. Andrade, Eryn Boyce 2022 *Historic Properties Survey Plan Nantucket, Massachusetts*, The Public Archaeology Laboratory, Inc. Report No. 4267. Submitted to Town of Nantucket and Nantucket Historical Commission and Massachusetts Historical Commission, Boston MA

Chase-Harrell, Pauline and Brian Pfeiffer. 2012 *Nantucket Historic District National Historic Landmark Nomination Form, Nantucket, MA (NAN.D) Update*. On file, Massachusetts Historical Commission, Boston, MA.

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Federal Regulations

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Code of Federal Regulations (CFR). 2022b. 36 CFR 800 – Protection of Historic Properties [incorporating amendments effective December 15, 2021]. Available at <https://www.ecfr.gov/current/title-36/chapter-VIII/part-800>. Accessed September 12, 2022.

CFR. 2022d. 36 CFR 61.4(e)(1) – Procedures for State, Tribal, and Local Government Historic Preservation Programs [incorporating amendments effective December 15, 2021]. Available at [https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4\(e\)\(1\)](https://www.ecfr.gov/current/title-36/chapter-I/part-61#p-61.4(e)(1)). Accessed September 12, 2022.

Federal Register. 1997. 62 FR 33708 – The Secretary of the Interior’s Historic Preservation Professional Qualifications Standards. Office of the Federal Register, National Archives and Records Administration. Washington, D.C. Available at <https://www.govinfo.gov/app/details/FR-1997-06-20/97-16168>. Accessed September 12, 2022.

State Regulations

MGL. 2012. Chapter 9, Sections 26 – 27c: Protection of Properties Included in the State Register of Historic Places. Available at <https://www.mass.gov/regulations/950-CMR-71-protection-of-properties-included-in-the-state-register-of-historic-places#downloads>, accessed September 12, 2022.